



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

April 14, 2021

Regulatory Division

Action ID. SAW-2019-01155

Town of Sunset Beach
Attn: Lisa Anglin
700 Sunset Beach Boulevard North
Sunset Beach, NC 28468

Dear Ms. Anglin,

In accordance with the written request of September 1, 2020, and the ensuing administrative record, enclosed is a permit to conduct navigational dredging in the water bodies known as South Jinks Creek, the Bay Area, and the Feeder Channel system at Sunset Beach, Brunswick County, North Carolina.

Any deviation in the authorized work will likely require modification of this permit. If any change in the authorized work is necessary, you should promptly submit revised plans to the Corps showing the proposed changes. You may not undertake the proposed changes until the Corps notifies you that your permit has been modified.

Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- a. You must complete construction before April 12, 2026.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

You should address all questions regarding this authorization to Greg Currey at the

Wilmington Regulatory Field Office, telephone 910-523-1151 or email
Gregory.e.currey@usace.army.mil.

Sincerely,

Scott McLendon

Scott McLendon
Chief, Regulatory Division
Wilmington District

Enclosures:

Department of the Army Permit
Special Conditions
NAP
Plans
SARBO PDCs
Dredge Plant Checklist, ODESS Forms
Physical Monitoring Plan
NCDWR 401 Certification and NCDCM CAMA Permit

Copy Furnished w/ enclosures via email:
Moffatt & Nichol attn Mr. Robert Neal

DEPARTMENT OF THE ARMY PERMIT

Permittee: Town of Sunset Beach

Permit No.: SAW-2019-01155

Issuing Office: CESAW-RG-L

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to conduct navigational dredging in the water bodies known as South Jinks Creek, the Bay Area, and the Feeder Channel system at Sunset Beach, Brunswick County, North Carolina.

Project Location: The proposed dredging project will occur along the eastern border of Sunset Beach, Brunswick County, North Carolina, within the interior waters of Tubbs Inlet Complex. South Jinks Creek comprises a portion of the Jinks Creek connector channel that extends from the Atlantic Intracoastal Waterway (AIWW) to Tubbs Inlet and the Atlantic Ocean. The Bay Area entails one (1) residential canal and the Feeder Channel system includes one (1) main channel connected to four (4) residential finger canals referenced as Canals A – D.

General Conditions:

1. The time limit for completing the work authorized ends on April 12, 2026. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached. Note, this permit is for a one-time dredging event only.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity

authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit, unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Risa H. Ogden, Assistant Town Administrator
Town of Sunset Beach
(PERMITTEE) (DATE)

Scott McLendon FOR

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Town of Sunset Beach

File Number: SAW 2019-01155

Date: April 9, 2021

Attached is:

See Section below

☒ INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)

A

☐ PROFFERED PERMIT (Standard Permit or Letter of permission)

B

☐ PERMIT DENIAL

C

☐ APPROVED JURISDICTIONAL DETERMINATION

D

☐ PRELIMINARY JURISDICTIONAL DETERMINATION

E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision.

Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
Attn: Greg Currey
69 Darlington Ave
Wilmington, NC 28403**

If you only have questions regarding the appeal process you may also contact:

**Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

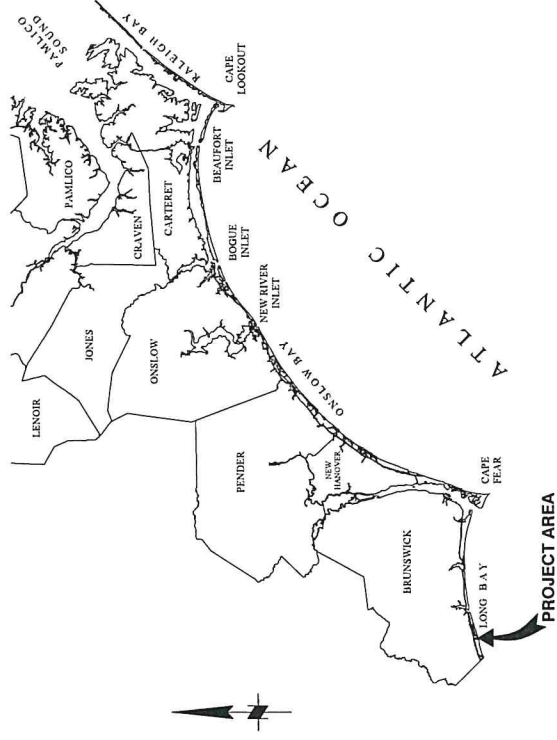
Telephone number:

For appeals on Initial Proffered Permits send this form to:

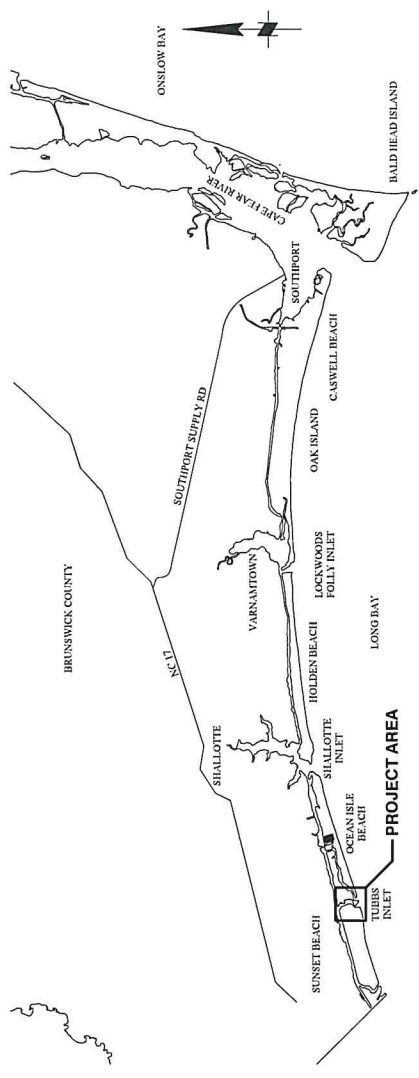
District Engineer, Wilmington Regulatory Division, Attn: Greg Currey, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Phillip Shannin,
Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**



VICINITY MAP



LOCATION MAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:
VICINITY AND LOCATION MAPS

SHEET
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OF
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UPLAND MATERIAL PLACEMENT SITE (LANDFILL FACILITY)

- THE UPLAND MATERIAL PLACEMENT SITE MUST BE INSPECTED AND APPROVED ON-SITE BY A DIVISION OF COASTAL MANAGEMENT (DCM) REPRESENTATIVE PRIOR TO INITIATING ANY MECHANICAL DREDGING ACTIVITIES.
- ALL TRANSFER EQUIPMENT (TRUCKS) SHALL BE MAINTAINED TO PREVENT SPILLAGE DURING MATERIAL TRANSPORT. EQUIPMENT FOUND TO REPEATEDLY ALLOW LEAKAGE ARE MADE TO ALLOW SPILL FREE TRANSPORT OF THE PROJECT UNTIL SUCH MODIFICATIONS ARE MADE TO ALLOW SPILL FREE TRANSPORT OF THE DREDGE MATERIAL.
- WATER QUALITY CONTROL DEVICES SUCH AS TURBIDITY CURTAINS SHALL BE EFFECTIVELY MAINTAINED SURROUNDING THE MATERIAL OFFLOADING SITE.
- ALL MEASURES SHALL BE TAKEN TO ENSURE EFFLUENT WATERS DO NOT RE-ENTER THE ADJACENT WATERBODY DURING MATERIAL TRANSPORT TO THE LANDFILL FACILITY.
- MATERIAL SPILLAGE OCCURRING OUTSIDE OF THE LANDFILL FACILITY SHALL BE CLEANED IMMEDIATELY UPON DISCOVERY. ALL TRAVEL CORRIDORS AND ROADWAYS SHALL BE INSPECTED AFTER EACH USE TO HELP KEEP THE TRAVEL LANES CLEAN AND MATERIAL FREE.
- AN ATTENDANT SHALL BE PRESENT AT THE MATERIAL OFFLOADING SITE AT ALL TIMES DURING MECHANICAL DREDGING ACTIVITIES. THE ATTENDANT SHALL MONITOR THE PROGRESS OF THE WORK AND SHALL DIRECT INCOMING/OUTGOING TRUCKS TO PLACEMENT LOCATIONS.
- PEDESTRIAN ACCESS SHALL BE PROHIBITED INTO THE MATERIAL OFFLOADING SITE BY A FENCE OR OTHER BARRIER DURING CONSTRUCTION. THE ON-SITE ATTENDANT SHALL MONITOR THE BARRIER AND SHALL STOP WORK IMMEDIATELY IF THE BARRIER FAILS OR APPEARS TO BE FAILING.

Control Table — Feeder Channel & Canal A Centerline			
Station	Easting	Northing	
+50	2151045.33	44197.19	
7+50	2150846.12	44972.00	
8+00	2150869.56	45016.17	
9+00	2150957.75	45063.31	
10+00	2151048.02	45106.35	
13+00	2151338.41	45181.64	
18+00	2151817.54	45324.62	
20+00	2152003.06	45399.32	
23+00	2152287.23	45495.47	
43+00	2154225.20	45989.72	
	Estimated Volume		
	Design:	15,600 CY	
	Overdepth:	9,100 CY	
	Total:	24,700 CY	

Control Table — Canal C Centerline			
Station	Easting	Northing	
0+00	2151719.24	44405.73	
0+50	2151699.58	44451.71	
8+50	2151512.98	45229.64	
	Estimated Volume		
	Design:	1,300 CY	
	Overdepth:	1,200 CY	
	Total:	2,500 CY	

Control Table — Canal D Centerline			
Station	Easting	Northing	
0+00	2152049.19	44472.02	
8+75	2151831.87	45319.60	
	Estimated Volume		
	Design:	1,500 CY	
	Overdepth:	1,300 CY	
	Total:	2,800 CY	

Control Table — Canal B Centerline			
Station	Easting	Northing	
-0+25	2151390.58	44287.50	
7+00	2151215.60	44991.07	
8+50	2151193.87	45139.49	
	Estimated Volume		
	Design:	1,400 CY	
	Overdepth:	1,400 CY	
	Total:	2,800 CY	

Control Table — Bay Area Centerline			
Station	Easting	Northing	
-0+50	2152308.03	44861.22	
0+00	2152323.62	44813.73	
1+00	2152397.46	44746.29	
5+00	2152770.06	44891.83	
7+00	2152969.42	44907.77	
12+00	2153451.23	45041.41	
22+00	2154376.04	45421.84	
	Estimated Volume		
	Design:	11,000 CY	
	Overdepth:	4,900 CY	
	Total:	15,900 CY	

Control Table — South Jinks Creek Centerline			
Station	Easting	Northing	
51+00	2154181.90	46199.77	
52+50	2154221.68	46055.14	
57+50	2154242.07	45555.56	
58+00	2154257.39	45507.96	
58+50	2154288.65	45468.93	
59+00	2154329.49	45440.10	
59+50	2154376.04	45421.84	
60+00	2154425.91	45418.24	
60+50	2154475.91	45417.58	
61+00	2154525.78	45421.20	
61+50	2154575.57	45425.73	
64+75	2154892.10	45499.44	
68+50	2155267.05	45505.52	
	Estimated Volume		
	Design:	32,300 CY	
	Overdepth:	8,200 CY	
	Total:	40,500 CY	

NOTE:
COORDINATES IN CONTROL TABLES REFERENCE
STATE PLANE NAD83 (FEET)

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATE: JULY 22, 2020

DATE: JULY 22, 2020

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

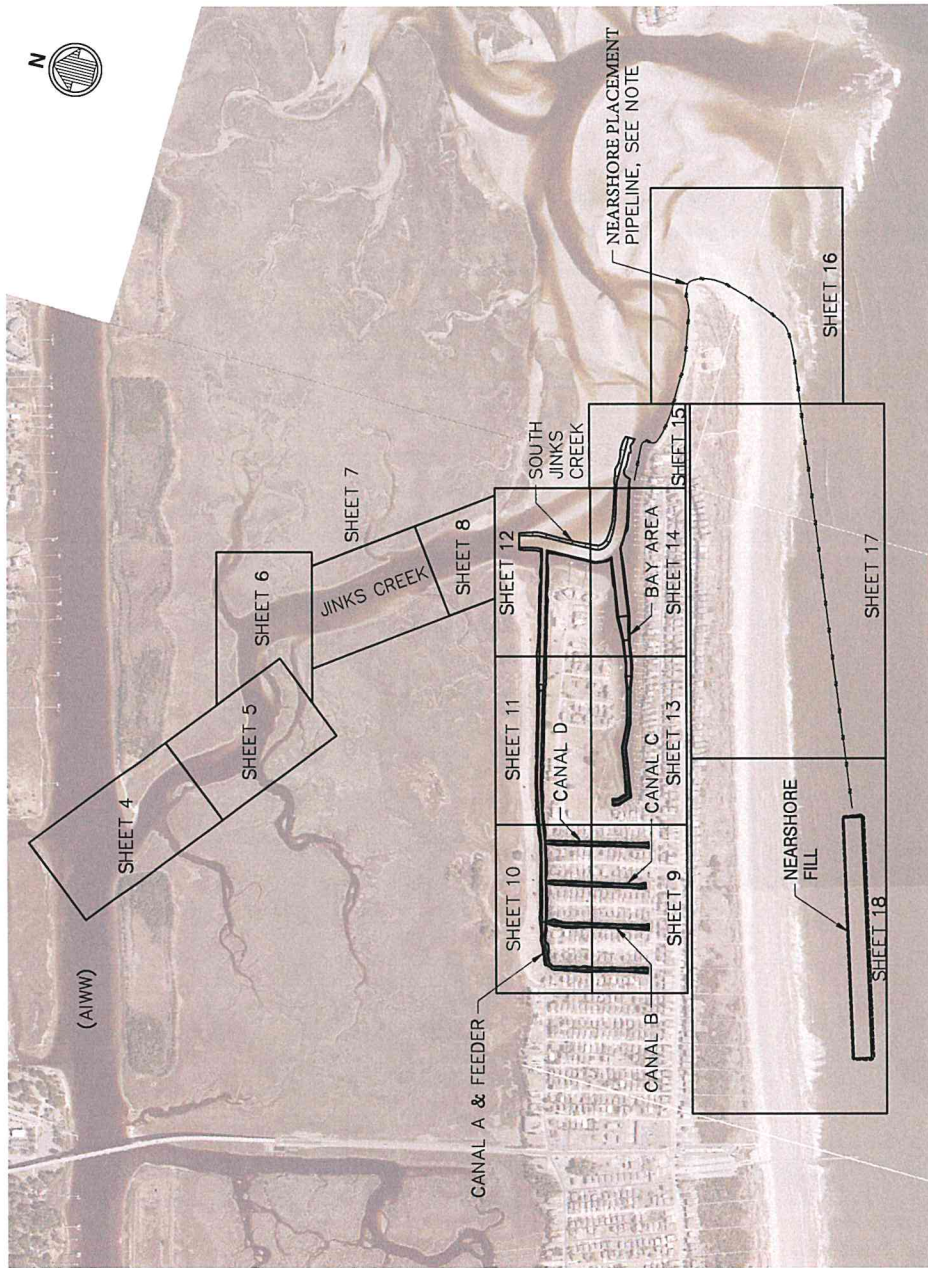
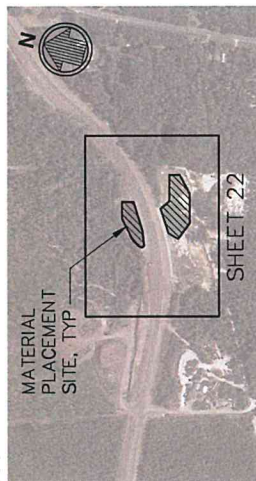
SHEET TITLE:

GENERAL NOTES

SHEET
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OF
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NOTES: (NEARSHORE PLACEMENT)

- THE HYDRAULIC PIPELINE USED TO TRANSFER THE DREDGE MATERIAL SHALL BE POSITIONED WITHIN 20-FT OF THE DUNE TOE ADJACENT TO THE VEGETATION LINE WHILE TRAVERSING THE BEACH. THE PIPELINE SHALL HAVE A MINIMUM OF ONE SAND RAMP CROSSING POSITIONED TO FACILITATE PEDESTRIAN ACCESS WHERE THE PIPELINE CROSSES THE SANDY BEACH TO ENTER THE ATLANTIC OCEAN.
- THE CONTRACTOR SHALL INSPECT THE PIPELINE A MINIMUM OF ONCE EVERY 4 HOURS OF OPERATION FOR LEAKS OR MATERIAL SPILLS. WHEN A LEAK IS DISCOVERED ALL OPERATIONS SHALL CEASE UNTIL REPAIRS ARE COMPLETED TO STOP THE MATERIAL SPILLAGE.
- ALONG NAVIGABLE WATERWAYS, OR BAY SIDE OF SUNSET BEACH, THE PIPELINE SHALL BE POSITIONED ABOVE MHW AND AS LANDWARD AS POSSIBLE WITHOUT TRAVERSING OVER VEGETATION OR THE DUNE FEATURE.
- IF THE PIPELINE CANNOT BE POSITIONED ABOVE MHW DUE TO DOCKS OR OTHER STRUCTURES, THE PIPELINE SHALL BE MARKED WITH BUOYS AND LIGHTS A MINIMUM OF EVERY 500-FT. OR AS RECOMMENDED BY THE USCG.
- THE PIPELINE WILL CROSS ALL NAVIGABLE WATERWAYS PERPENDICULAR TO THE DIRECTIONS OF TRAVEL TO MINIMIZE THE PIPELINE LENGTH WITHIN THE NAVIGATION CHANNEL. THE PIPELINE WILL BE ANCHORED IN THE DEEPEST DEPTH AVAILABLE TO NOT BLOCK NAVIGATION AND WILL HAVE BUOYS ATTACHED APPROXIMATELY EVERY 25-FEET ALONG EACH CROSSING TO IDENTIFY ITS PRESENCE. THE PIPELINE SHALL NOT BE ALLOWED TO CROSS NAVIGABLE WATERS WITH LESS THAN FOUR (4) FEET OF DRAFT REMAINING OVER THE SUBMERGED LINE. SIGNAGE SHALL ALSO BE PROVIDED AND VISIBLE FROM BOTH DIRECTIONS OF TRAVEL TO MARK ALL NAVIGATION CROSSINGS.



2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
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THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW
PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

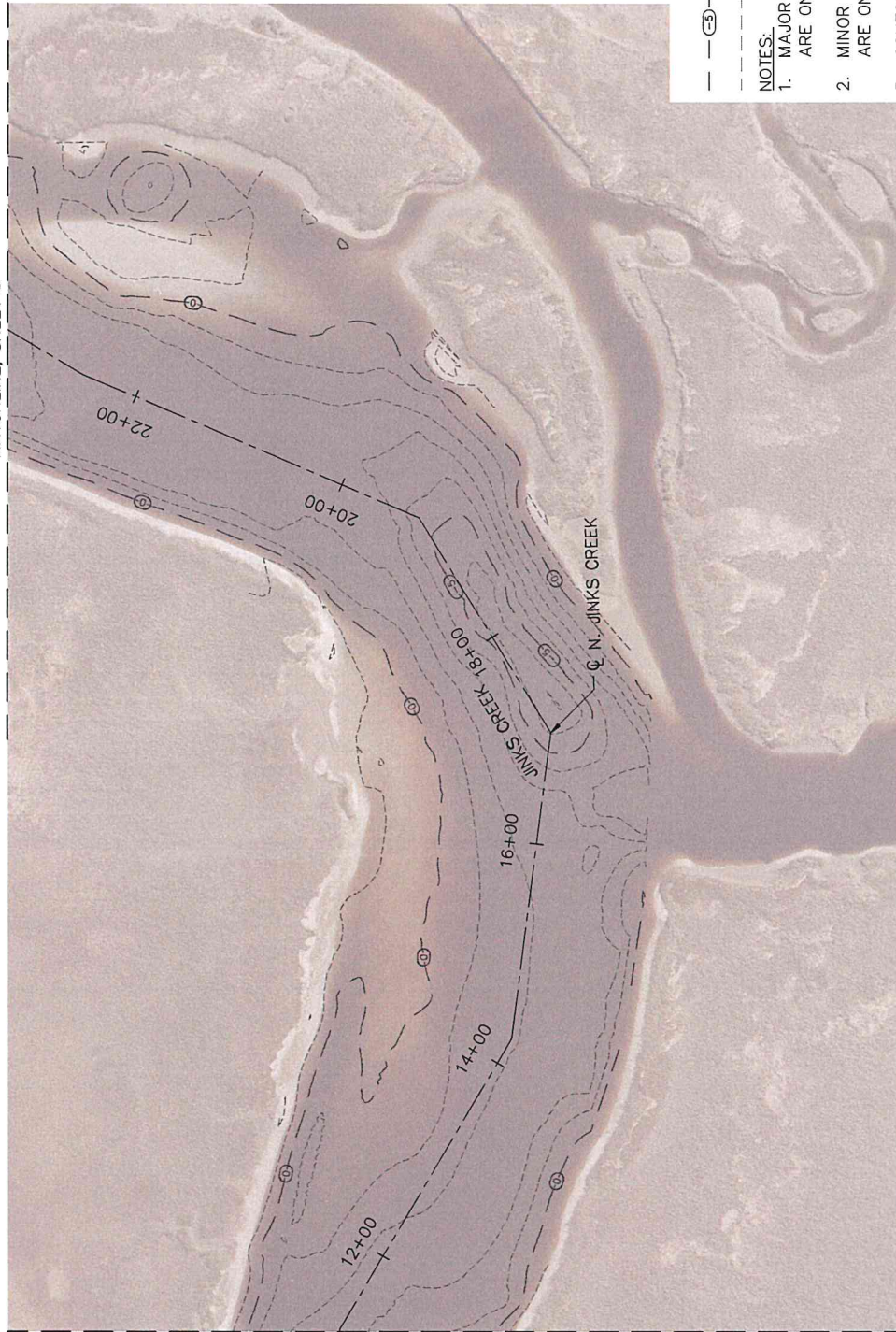
SHEET TITLE:
KEY MAP

1000' 0' 1000' 2000'
SCALE: 1"=1000'

SHEET
3
OF
22



MATCHLINE, SHEET 6



MATCHLINE, SHEET 4

LEGEND

- (5) — MAJOR CONTOUR
--- MINOR CONTOUR

NOTES:

1. MAJOR CONTOURS PROVIDED ARE ON A 5' INTERVAL.
2. MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
3. CONTOURS ARE BASED ON 2016 CONDITIONS.

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:

N. JINKS CREEK EXISTING CONDITIONS -SHEET 2 OF 5



SHEET

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OF

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- LEGEND:**
- (S) — MAJOR CONTOUR
 - - - MINOR CONTOUR
- NOTES:**
1. MAJOR CONTOURS PROVIDED ARE ON A 5' INTERVAL.
 2. MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
 3. CONTOURS ARE BASED ON 2016 CONDITIONS.

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
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DATUM: MLW
PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

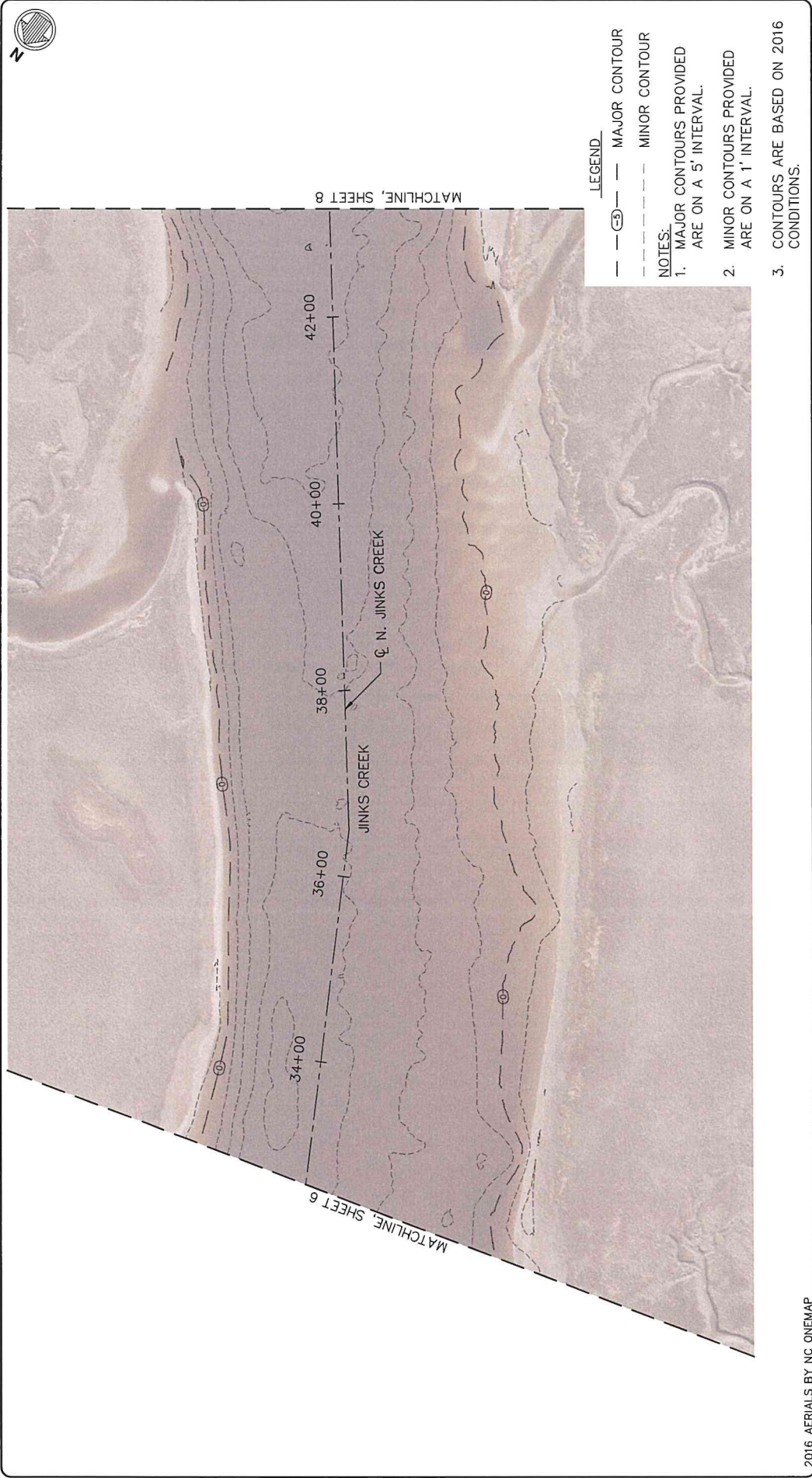
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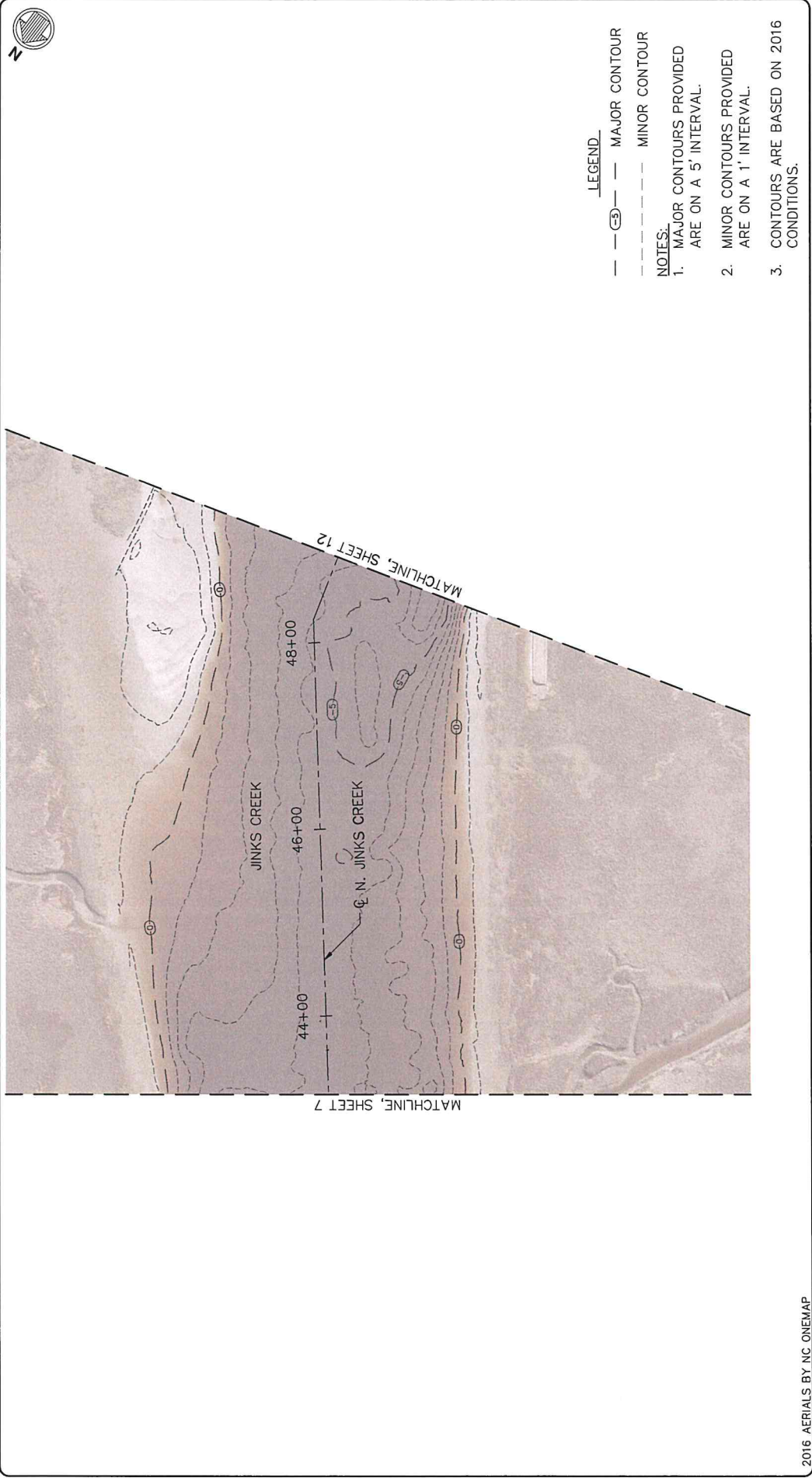
SHEET TITLE:

N. JINKS CREEK EXISTING CONDITIONS - SHEET 3 OF 5



SHEET
6
OF
22





- LEGEND:
- (3) — MAJOR CONTOUR
 - - - - MINOR CONTOUR
- NOTES:
1. MAJOR CONTOURS PROVIDED ARE ON A 5' INTERVAL.
 2. MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
 3. CONTOURS ARE BASED ON 2016 CONDITIONS.

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:

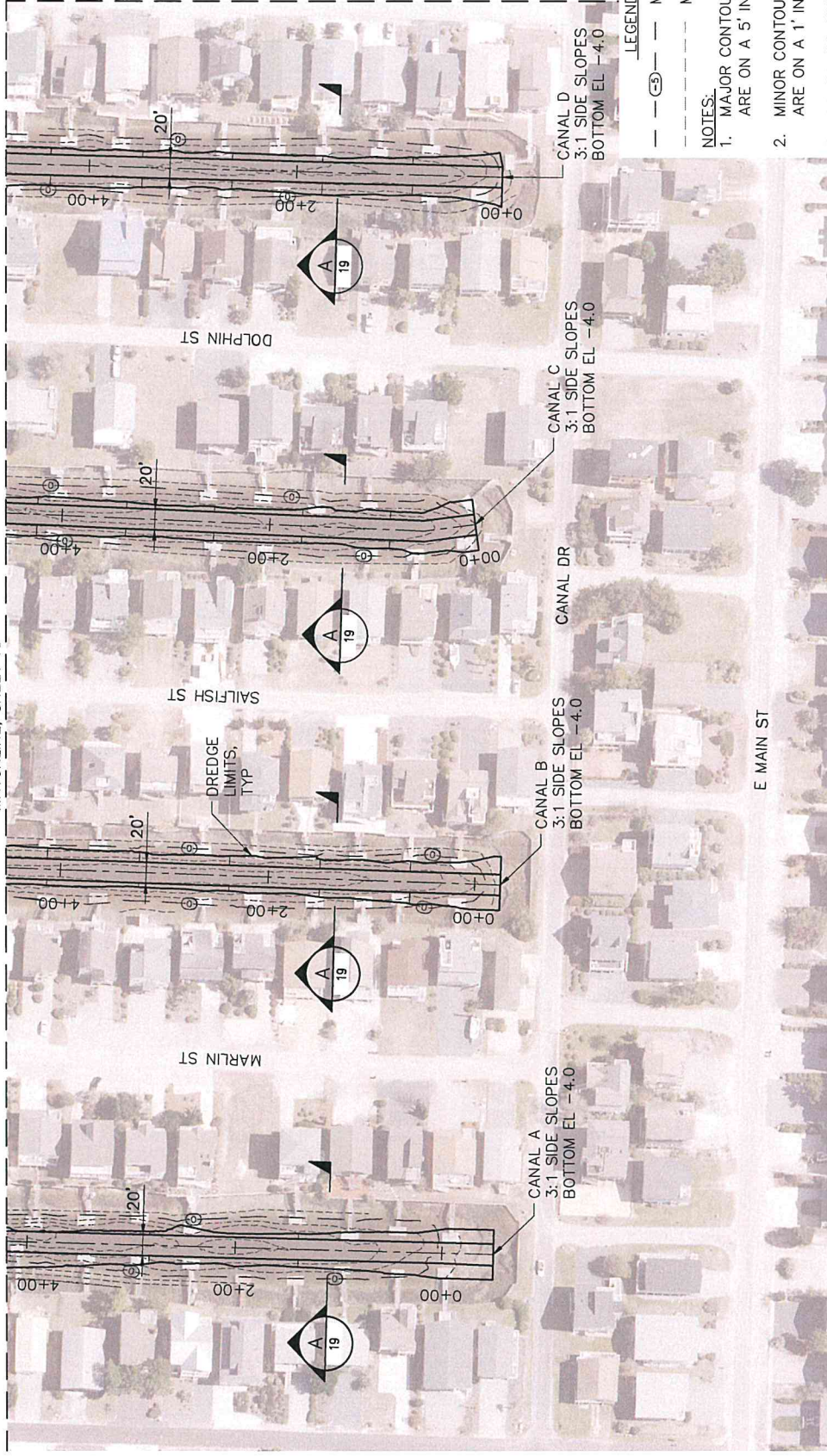
N. JINKS CREEK EXISTING CONDITIONS - SHEET 5 OF 5



SHEET
8
OF
22



MATCHLINE, SHEET 10



MATCHLINE, SHEET 13

- LEGEND:
- (S) — MAJOR CONTOUR
 - MINOR CONTOUR
- NOTES:
1. MAJOR CONTOURS PROVIDED ARE ON A 5' INTERVAL.
 2. MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
 3. CONTOURS ARE BASED ON 2016 CONDITIONS.

2016 AERIALS BY NC ONEMAP

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PREPARED FOR: TOWN OF SUNSET BEACH
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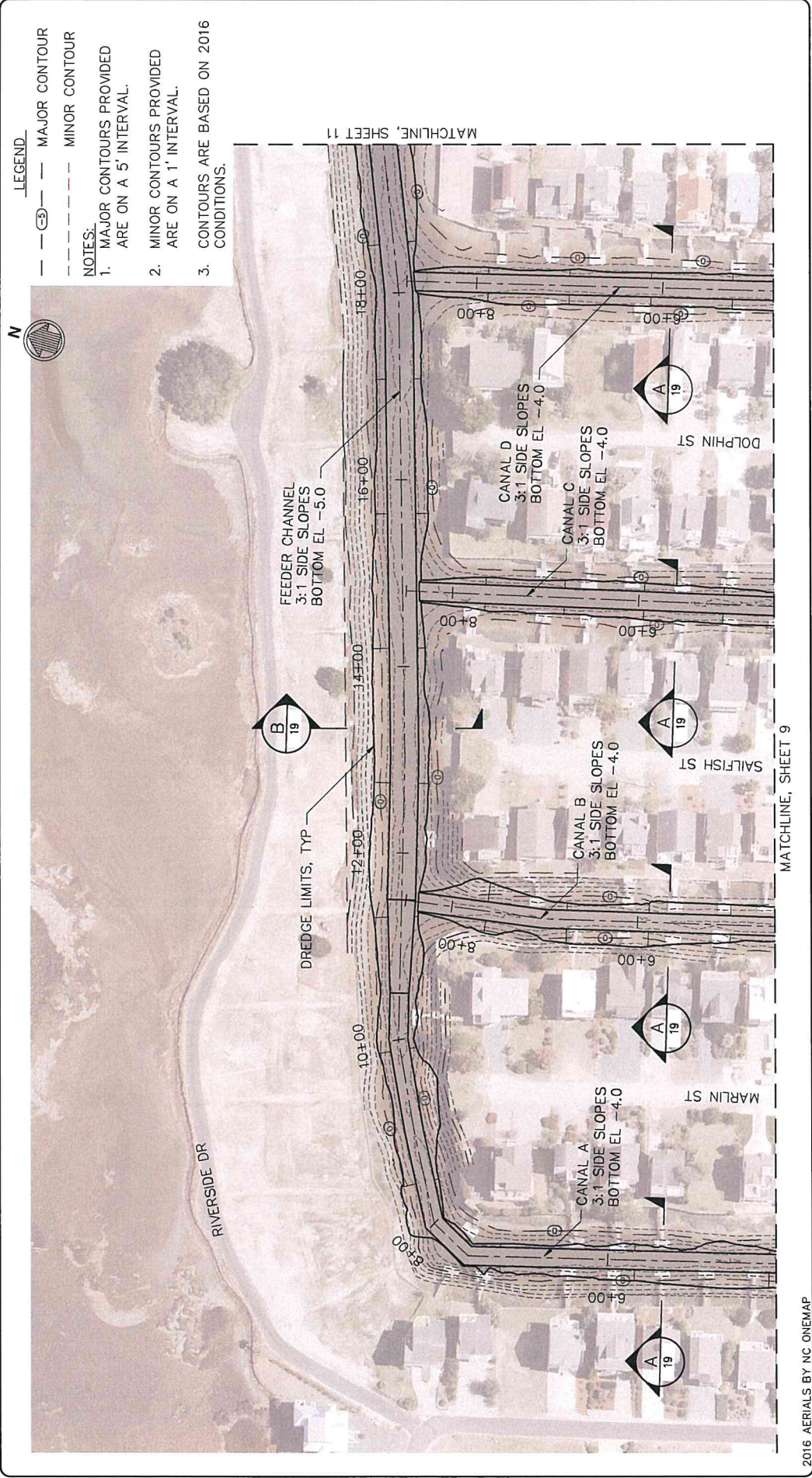
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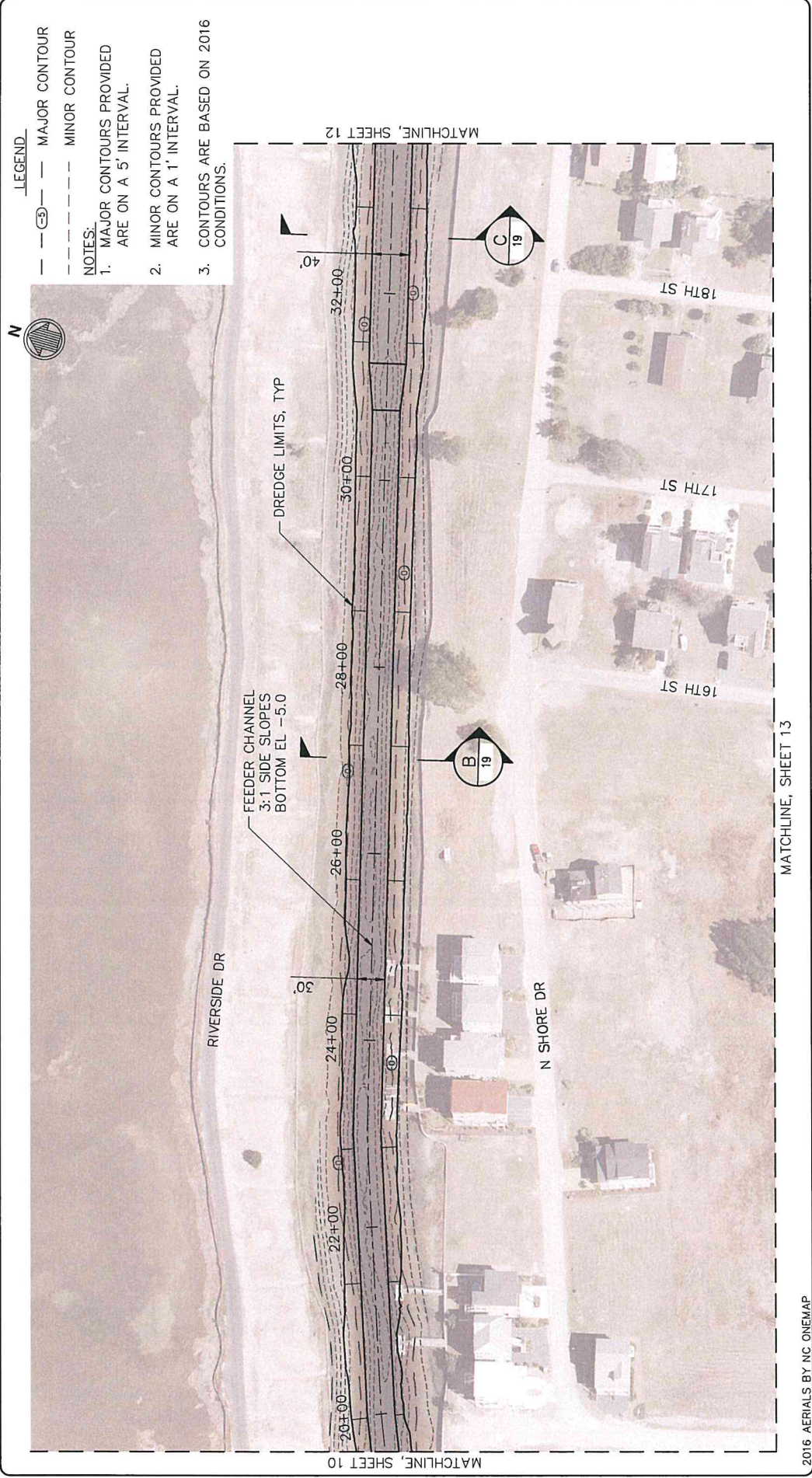
SHEET TITLE:

DREDGE AREA WORK PLAN - SHEET 1 OF 10



SHEET
9
OF
22





2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
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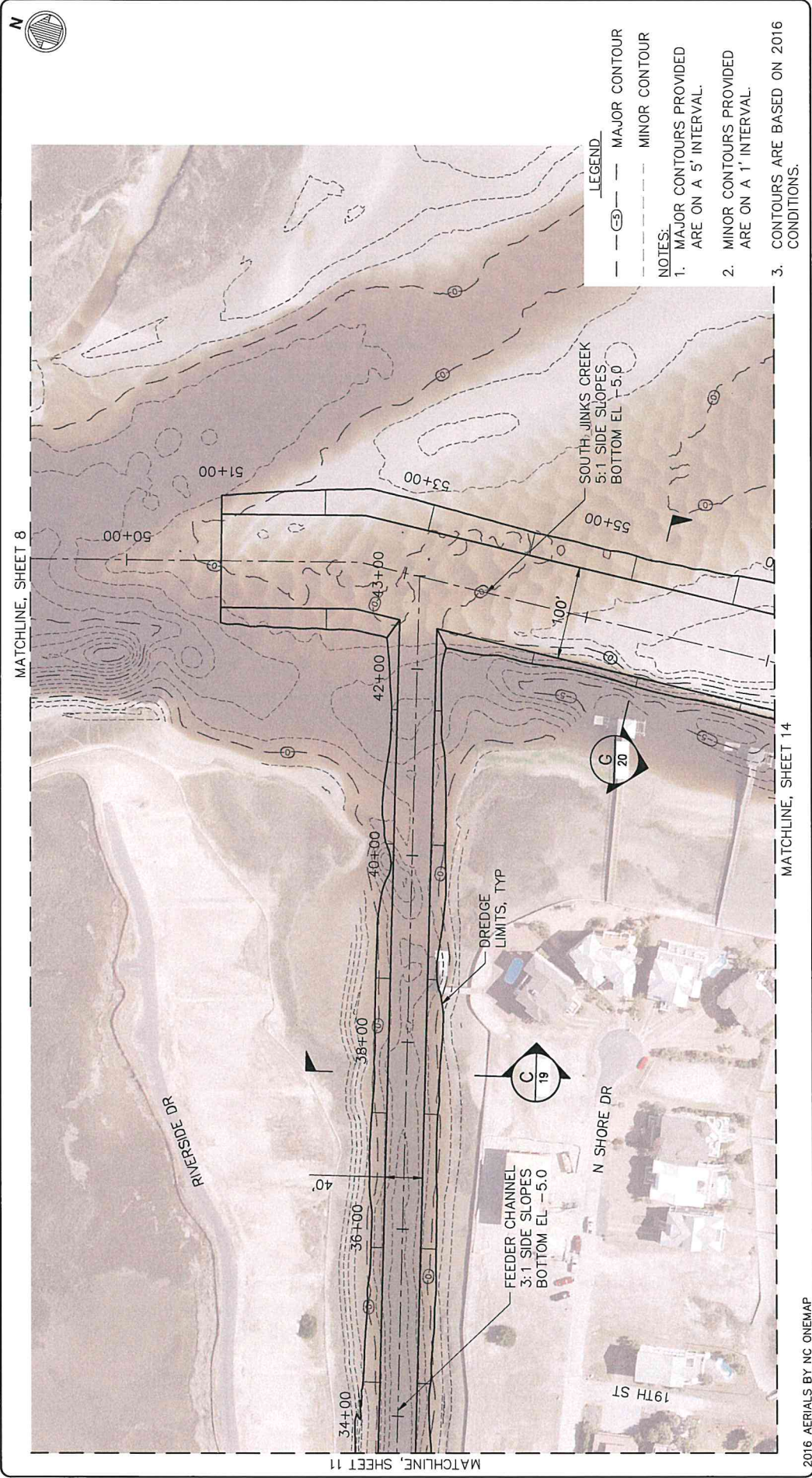
PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:
DREDGE AREA WORK PLAN - SHEET 3 OF 10

SCALE: 1"=160'

SHEET
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OF
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LEGEND

- (S) — MAJOR CONTOUR
- MINOR CONTOUR

NOTES:

1. MAJOR CONTOURS PROVIDED ARE ON A 5' INTERVAL.
2. MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
3. CONTOURS ARE BASED ON 2016 CONDITIONS.

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW
PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:

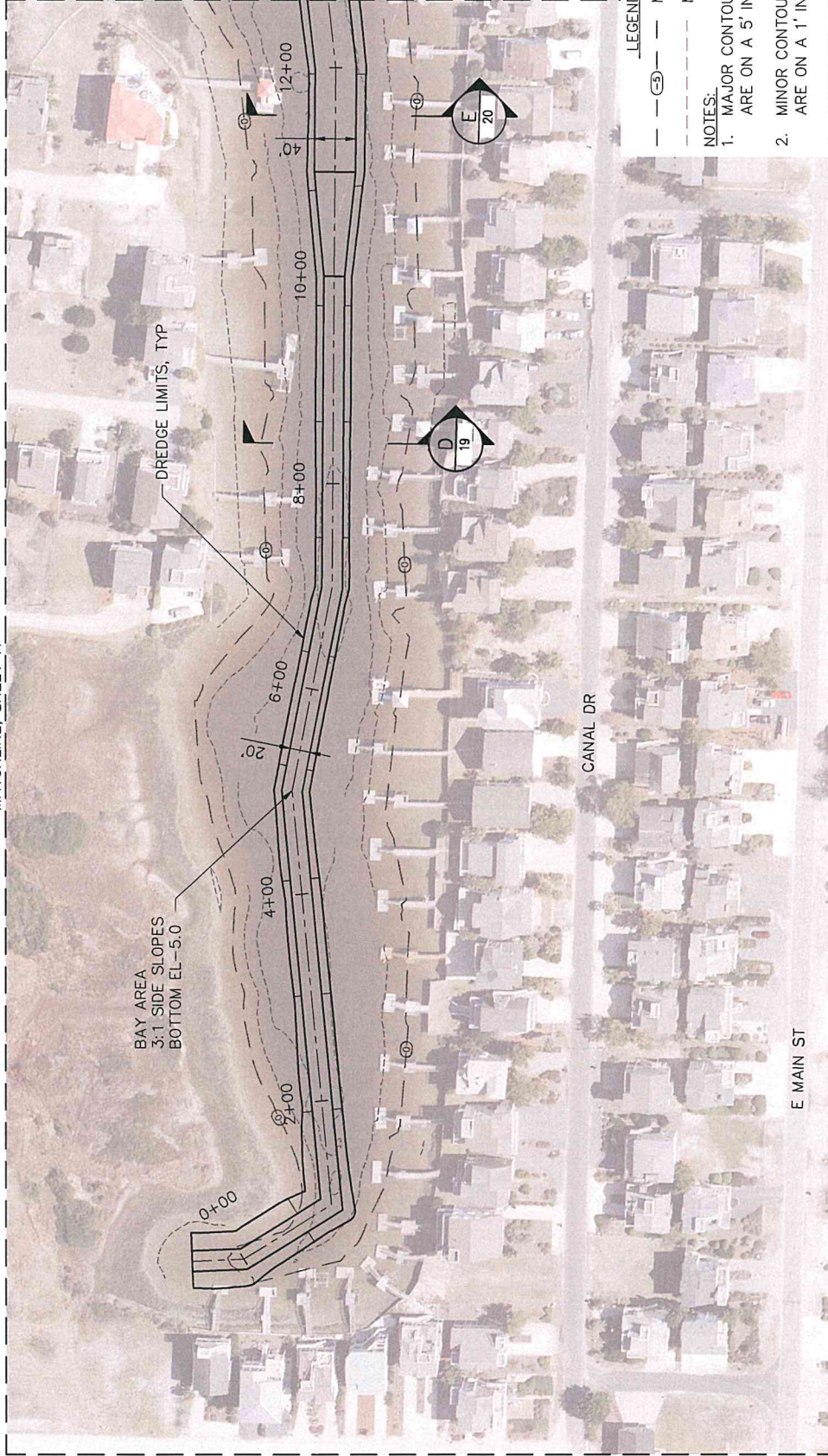
DREDGE AREA WORK PLAN - SHEET 4 OF 10



SHEET
12
OF
22



MATCHLINE, SHEET 11



MATCHLINE, SHEET 9

MATCHLINE, SHEET 14

LEGEND

- (S) — MAJOR CONTOUR
- - - MINOR CONTOUR

NOTES:

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2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

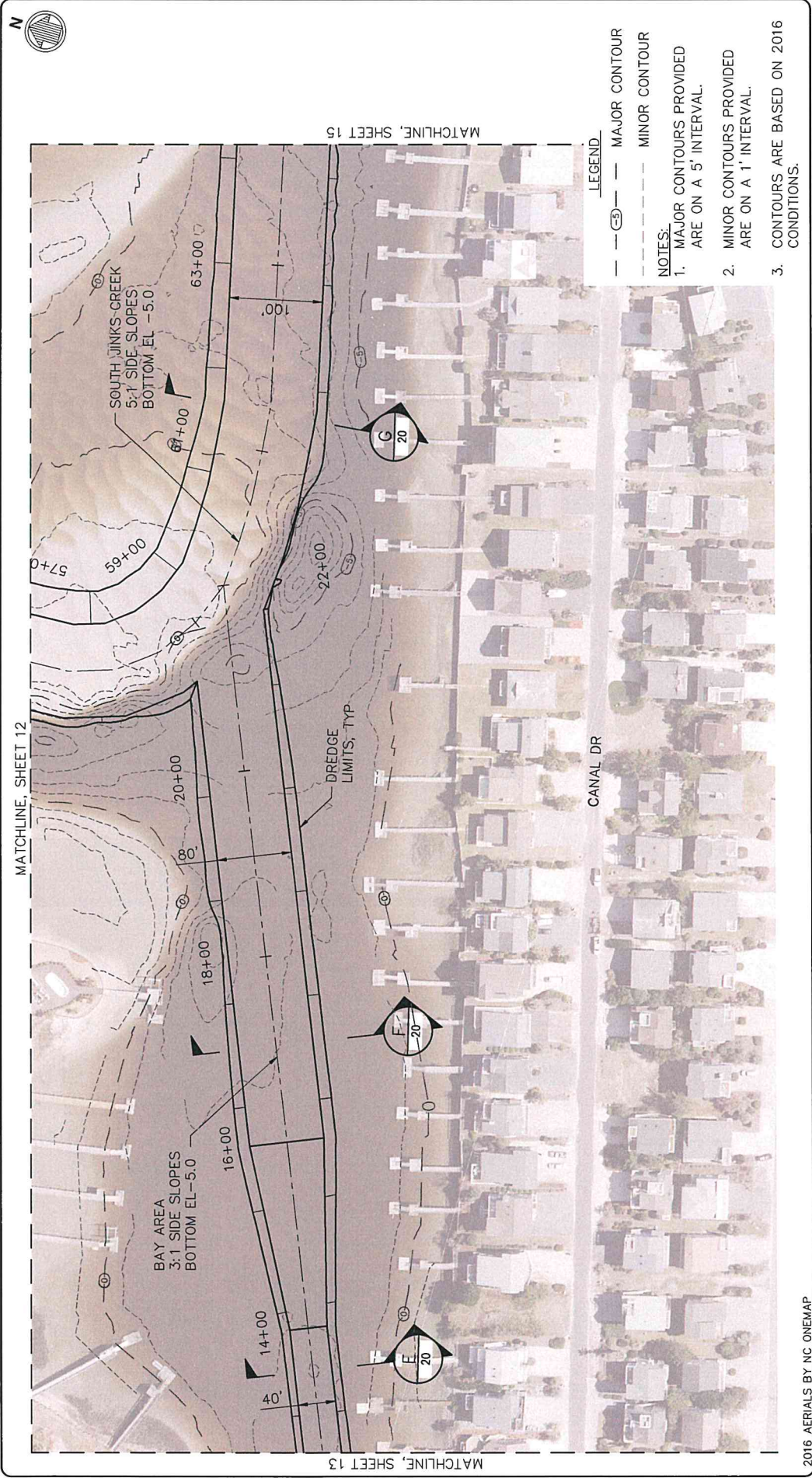
DATE: JULY 22, 2020

SHEET TITLE:

DREDGE AREA WORK PLAN - SHEET 5 OF 10



SHEET
13
OF
22



LEGEND

- (5)— MAJOR CONTOUR
- - - MINOR CONTOUR

NOTES:

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2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW
PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:
DREDGE AREA WORK PLAN - SHEET 6 OF 10



SHEET
14
OF
22

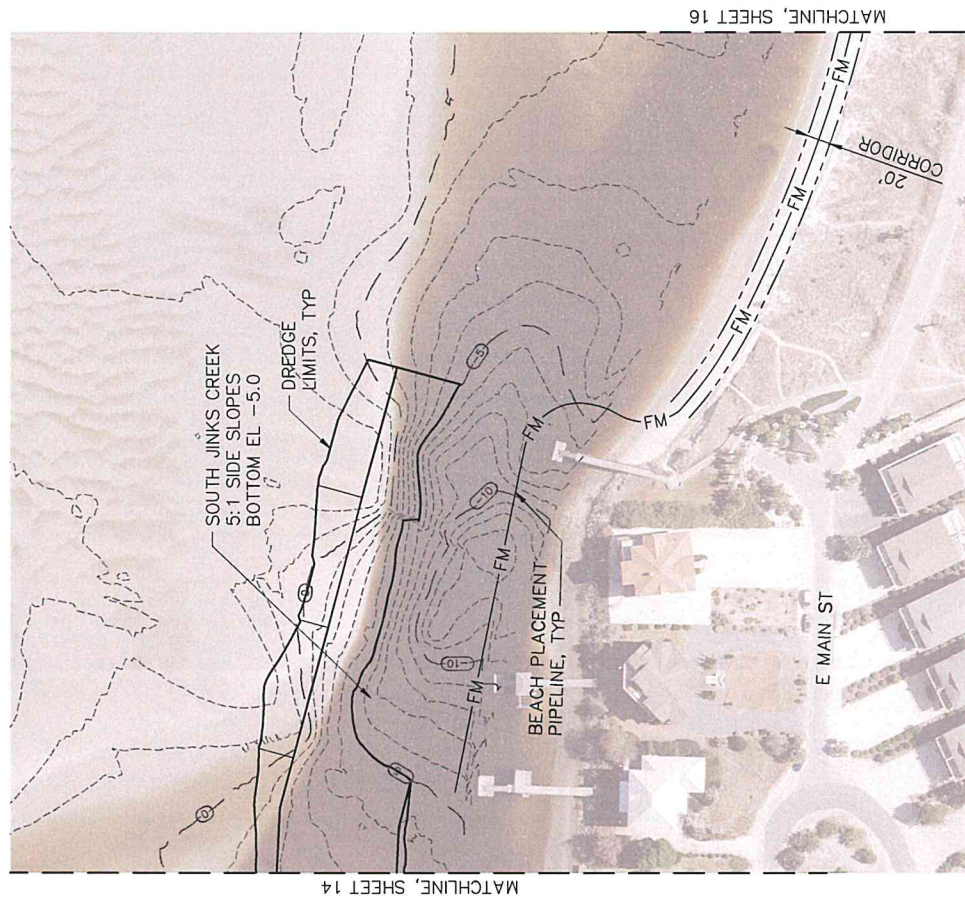


LEGEND

- (S) — MAJOR CONTOUR
- - - - MINOR CONTOUR

NOTES:

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2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

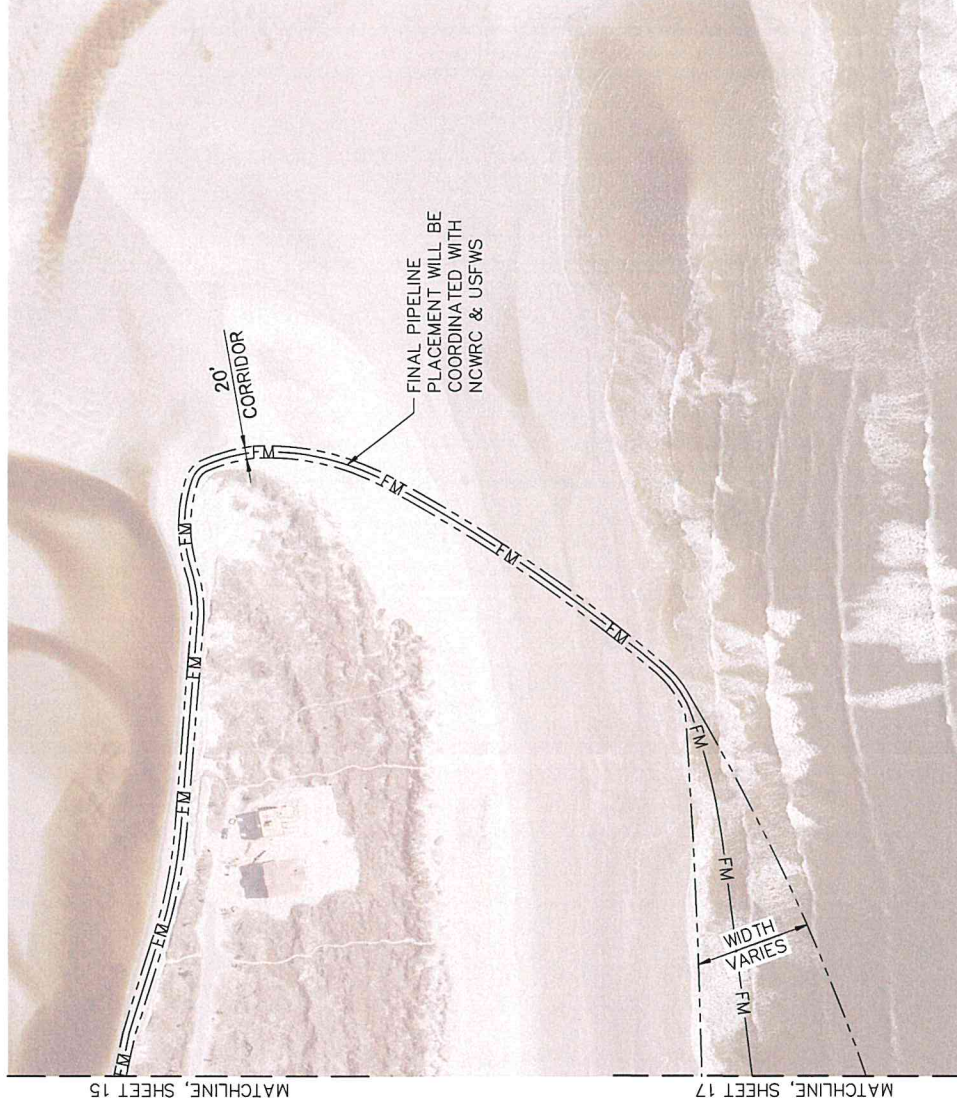
DATE: JULY 22, 2020

SHEET TITLE:

DREDGE AREA WORK PLAN - SHEET 7 OF 10



SHEET
15
OF
22



LEGEND

- (S) — MAJOR CONTOUR
- - - - - MINOR CONTOUR

NOTES:

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3. CONTOURS ARE BASED ON 2016 CONDITIONS.

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

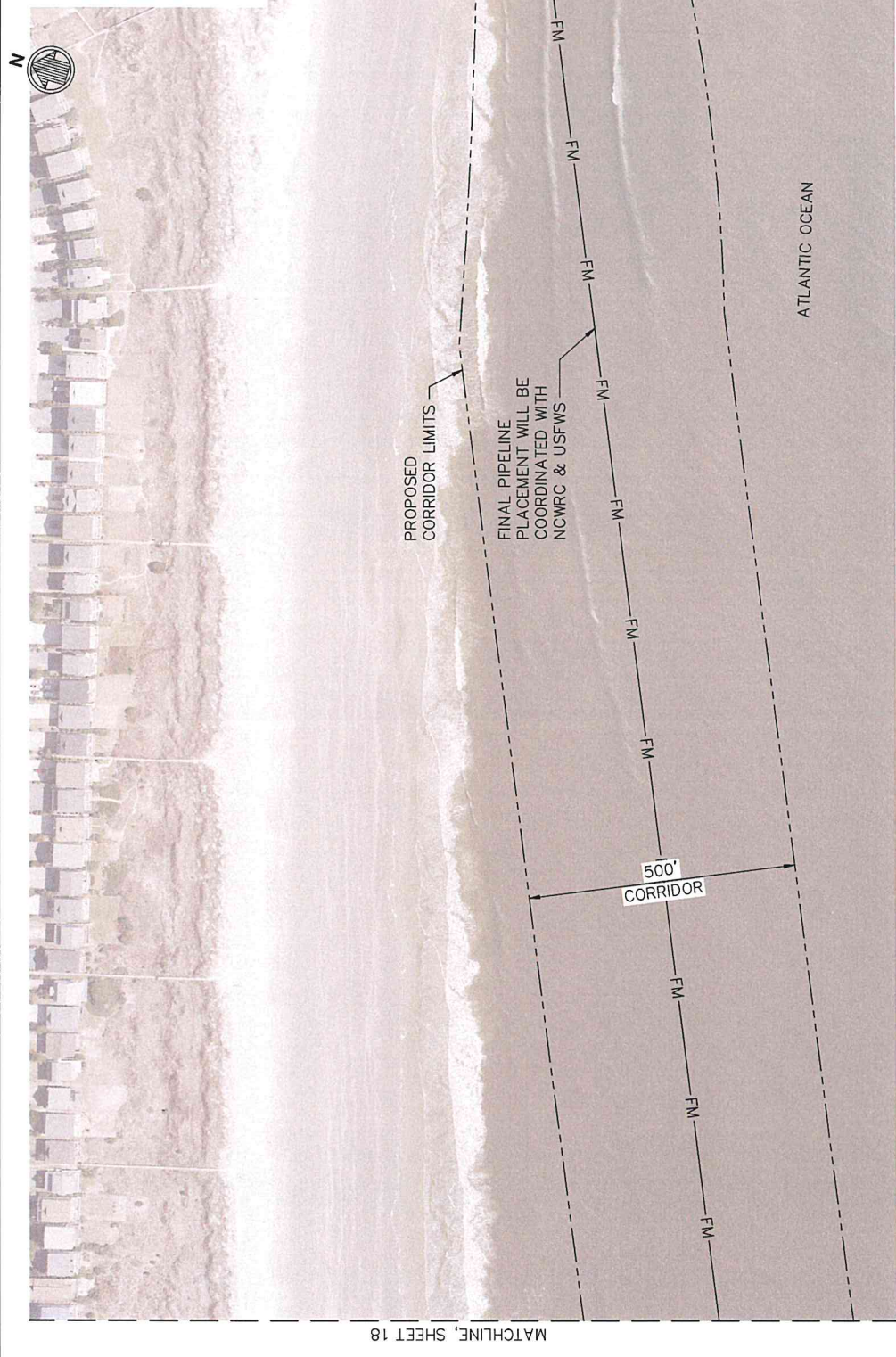
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DREDGE AREA WORK PLAN - SHEET 8 OF 10



SHEET
16
OF
22

- LEGEND**
- (S) — MAJOR CONTOUR
 - - - MINOR CONTOUR
- NOTES:**
1. MAJOR CONTOURS PROVIDED ARE ON A 5' INTERVAL.
 2. MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
 3. CONTOURS ARE BASED ON 2016 CONDITIONS.



2016 AERIALS BY NC ONE MAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

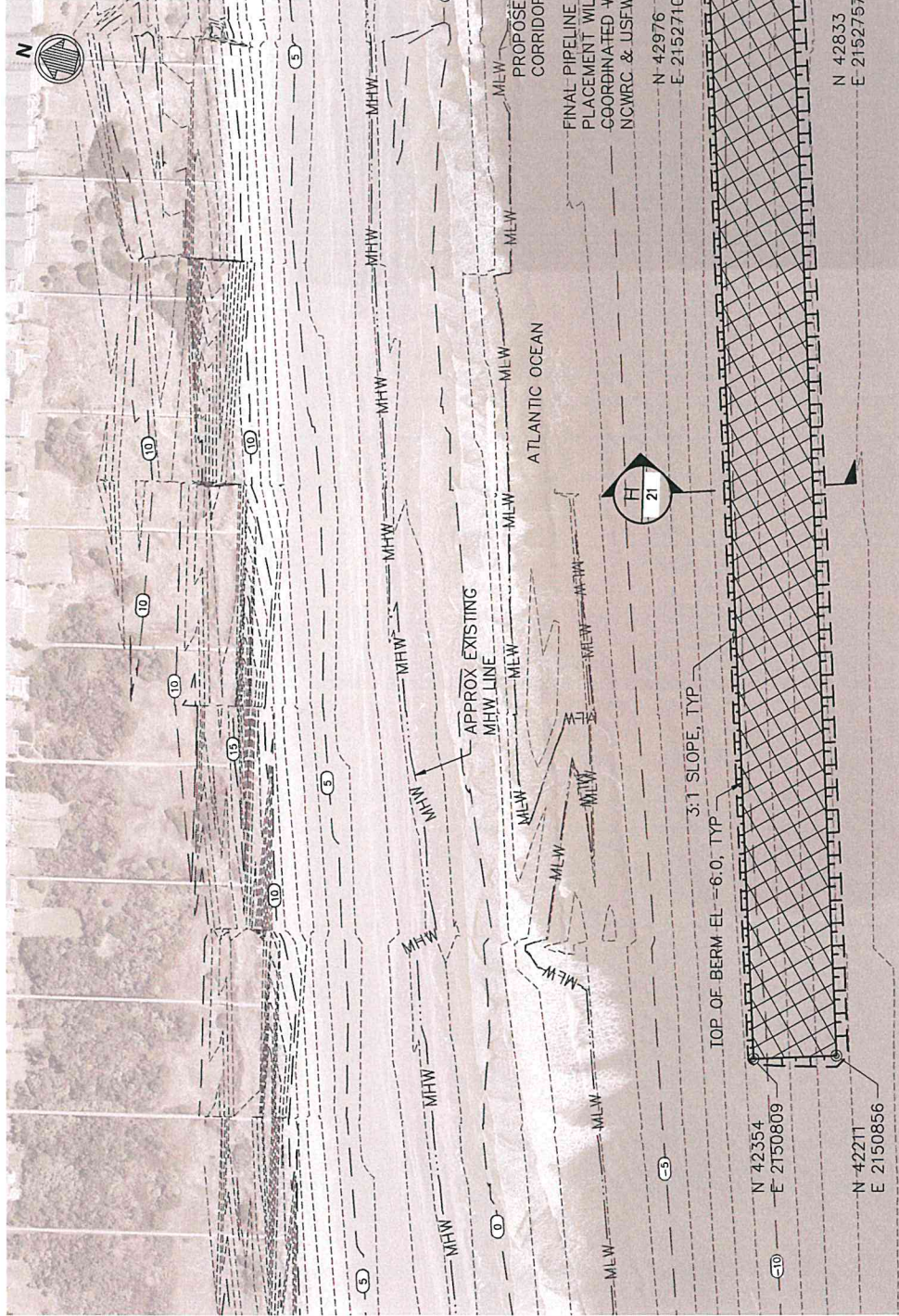
DATE: JULY 22, 2020

SHEET TITLE:

DREDGE AREA WORK PLAN - SHEET 9 OF 10



SHEET
17
OF
22



LEGEND

- MAJOR CONTOUR
- MINOR CONTOUR
- FILL AREA

NOTES:

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- MINOR CONTOURS PROVIDED ARE ON A 1' INTERVAL.
- CONTOURS ARE BASED ON 2016 CONDITIONS.

MATCHLINE, SHEET 17

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT: MAINTENANCE DREDGING OF SOUTH JINKS CREEK THE BAY AREA AND THE FEEDER CHANNEL

DATE: JULY 22, 2020

PREPARED FOR: TOWN OF SUNSET BEACH NORTH CAROLINA

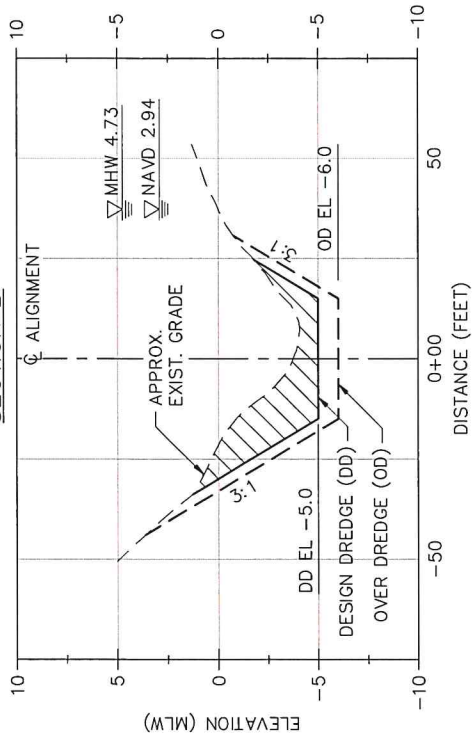
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DREDGE AREA WORK PLAN - SHEET 10 OF 10

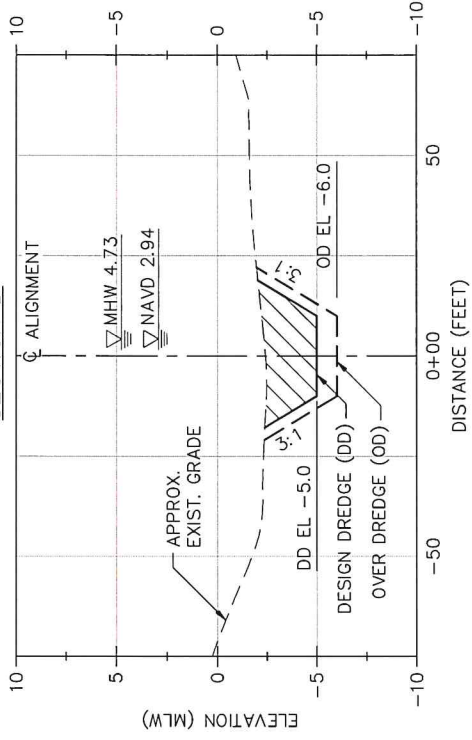


SHEET 18 OF 22

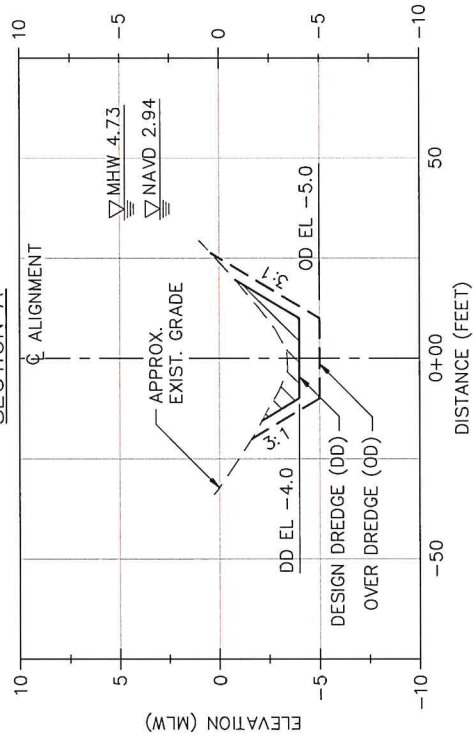
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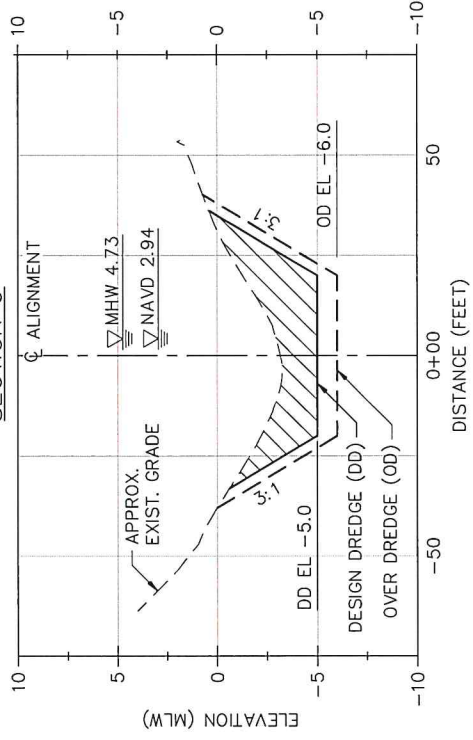
SECTION D



SECTION A



SECTION C



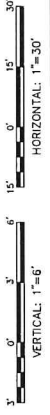
PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW
PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

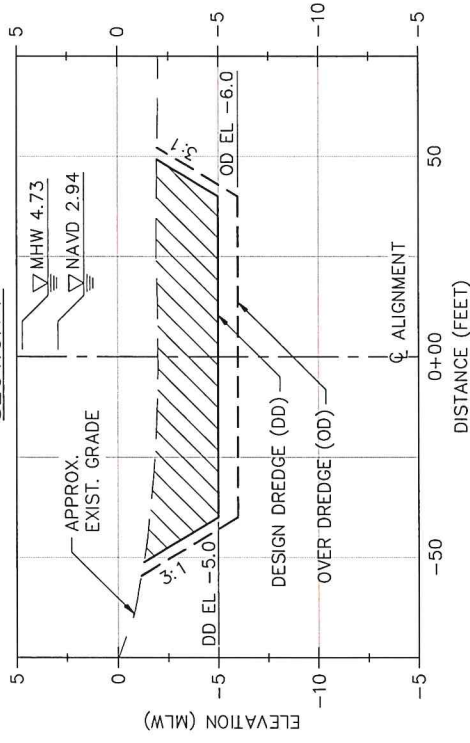
DATE: JULY 22, 2020

SHEET TITLE:
TYPICAL SECTIONS - SHEET 1 OF 3

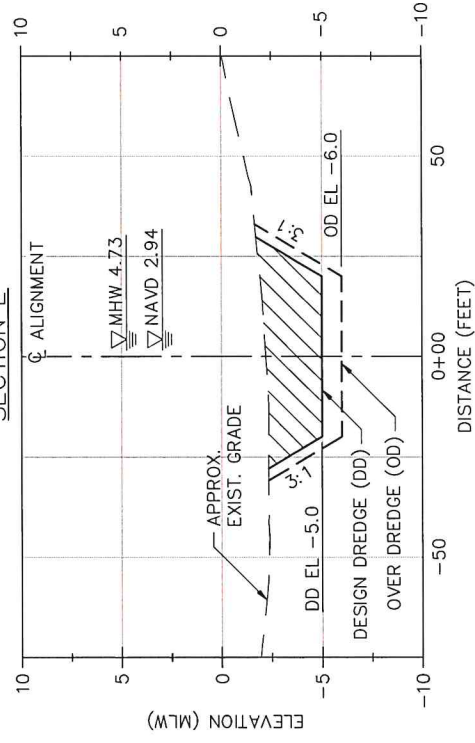


SHEET
19
OF
22

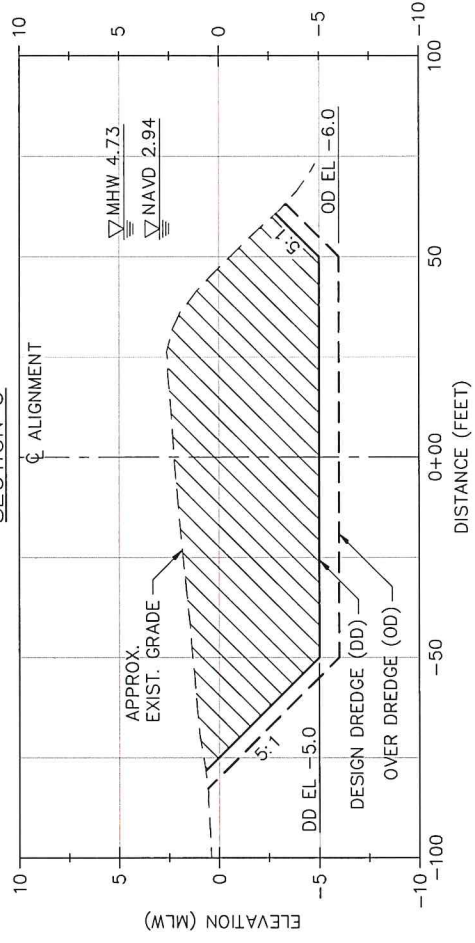
SECTION F



SECTION E



SECTION G



PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

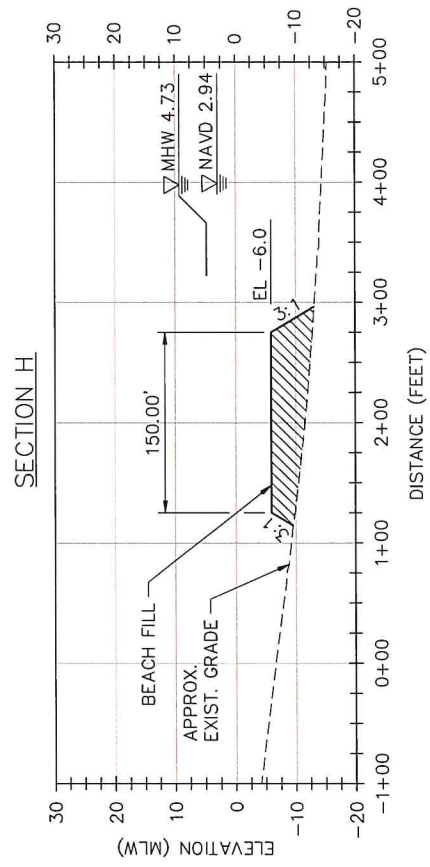
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SHEET TITLE:

TYPICAL SECTIONS - SHEET 2 OF 3



SHEET
20
OF
22



PROJECT TITLE: TOWN OF SUNSET BEACH NAVIGATION PROJECT:
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW

PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020

SHEET TITLE:
TYPICAL SECTIONS - SHEET 3 OF 3



SHEET
21
OF
22



MATERIAL PLACEMENT VICINITY MAP

NOT TO SCALE

2016 AERIALS BY NC ONEMAP

PROJECT TITLE: TOWN OF SUNSET BEACH
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
THE BAY AREA AND THE FEEDER CHANNEL

DATUM: MLW
PREPARED BY: MOFFATT & NICHOL

PREPARED FOR: TOWN OF SUNSET BEACH
NORTH CAROLINA

DATE: JULY 22, 2020



MATERIAL PLACEMENT SITE PLAN

1"=500'

TRANSPORTATION NOTES:

- CONTRACTOR SHALL PREVENT SPILLAGE OF MATERIAL ONTO PUBLIC LANDS, INCLUDING HIGHWAYS, ROADS, AND PRIVATE PROPERTY.
- THE CONTRACTOR SHALL INSPECT THE TRAVEL ROUTE USED TO TRANSPORT MATERIAL TO THE MATERIAL PLACEMENT SITE AFTER EACH USE. ANY SPILLS OR DREDGE SEDIMENT FOUND ALONG THE TRAVEL ROUTE SHALL BE IMMEDIATELY CLEANED AND REMOVED FROM THE ROADWAY AND TRANSPORTED TO THE MATERIAL PLACEMENT SITE.
- THE CONTRACTOR SHALL ABIDE BY ALL NCDOT STANDARDS FOR HAULING SPOIL MATERIAL ALONG THE ROADWAYS.
- THE CONTRACTOR SHALL CLEAN ALL TRUCKS, WHEELS, AND HAULING EQUIPMENT AS NECESSARY TO PREVENT TRACKING MATERIAL ONTO THE ROADWAYS.

SHEET TITLE:

MATERIAL PLACEMENT SITE PLAN



SHEET
22
OF
22

Special Conditions

In accordance with 33 U.S.C. 1341(d), all conditions of the North Carolina Division of Coastal Management CAMA Permit # 79-19 dated February 18, 2021, and the North Carolina Division of Water Resources 401 Water Quality Certification DWR #2002-0158v3 dated February 24, 2021, are incorporated by reference as part of the Department of the Army permit, and attached for your convenience in Attachment (D).

Work Limits

- 1) All work authorized by this permit shall be performed in strict compliance with the project description and attached permit drawings dated July 22, 2020, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to these attached permit plans must be approved by the U.S. Army Corps of Engineers (USACE) prior to any active construction in waters. **This authorization allows for a one-time dredging event.**
- 2) Dredging of South Jinks Creek and the nearshore placement of material will be restricted to November 16 to March 31. No work will occur outside this timeframe, including mobilization and demobilization. All activity, including pipeline placement, is restricted from the beach and inlet shorelines prior to November 16. Upon completion of work, all equipment, including pipelines, must be removed by March 31.
- 3) Dredging of the Bay Area and Feeding Canal System (including the Finger Canals) will be restricted to November 16 to April 30. No work will occur outside this timeframe for these areas.
- 4) Dredging depth limits are the following: 1) -5 (+1 ft. overdepth) feet for Jinks Creek, the Bay Area and the Feeder Canal and 2) -4 (+ 1 ft overdepth) for all the Finger Canals (Canals A-D).
- 5) Except as authorized by this permit or any Corps-approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.
- 6) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, dredging or fill shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and

circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

- 7) The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and drawings shall be available at the project site during construction and maintenance of this project.
- 8) The Permittee shall notify the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit. The contractors name, phone number, and address, including a field contact name and number, will be submitted to the Corps prior to construction.
- 9) The Contractor's name, phone number, and address, including any inspector's contact name and phone number must be provided to the Wilmington District prior to initiating any work
- 10) This permit does not authorize the interference with any existing or proposed Federal project, and the Permittee will not be entitled to compensation for damage or injury to the authorized structure or work which may be caused from existing or future operations undertaken by the United States in the public interest. No attempt will be made by the Permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work. Use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
- 11) No dredging or excavation shall take place within 10 feet of any coastal wetlands. Prior to work in the of the finger canals (Canals A, B, C, and D), a delineation of the wetlands must be established via GPS in order to determine the 10-foot setback boundary. This wetland delineation, including the setback boundary, must be mapped and provided to our office for confirmation.
- 12) All dredged material from the Bay Area, the Feeder Canal and the finger canals must be placed in the upland disposal site (See Sheet 22 of 22 of the Permit Drawings). At no time will the material be placed in wetlands or waters of the U.S.
- 13) A post-dredge As-built survey shall be submitted to our office depicting the dredging footprint (width, length, and depth). This survey shall be submitted within 30 days upon completion of the dredging activity.
- 14) During the nearshore placement efforts on a weekly basis, the permittee will collect three (3) grab samples from the areas where sediment has

been placed over the previous week. The samples will be analyzed for grain size, Munsell color, and carbonate content in accordance with 15A NCAC 07H.0312 Technical Standards for Beach Fill Projects. Results of the analysis will be provided to the USACE and DCM within 7 days of collection

- 15) February 22, 2021 Physical Monitoring Plan: Hydrographic surveys must be conducted annually for a period of three (3) years post-construction in the vicinity of the nearshore placement area to evaluate any migration of this material. The first post-construction survey shall take place at 6 months from the completion of the placement work. One baseline survey must be conducted prior to initiating the nearshore placement. Surveys shall be conducted from the Mean Low Water (MLW) line out 1,500 feet to capture the placement area and transport region. A monitoring report must be provided to the USACE annually by October 1 for review and shall evaluate the migration patterns of the placed material. See Attachment (C).
- 16) All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Wilmington Regulatory Field Office, 69 Darlington Avenue Wilmington, North Carolina, 28403, and by telephone at: 910-523-1151 or gregory.e.currey@usace.army.mil. The Permittee shall reference the following permit number, SAW-2019-01155, on all submittals.

Project Maintenance

- 17) All mechanized equipment will be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the permittee shall immediately report it to the N.C. Division of Water Quality and provisions of the North Carolina Hazardous Substances Control Act shall be followed.
- 18) The Permittee shall monitor any dredge pipeline utilized during construction activities, in order to check for potential leaks, which may emanate from the pipeline couplings. All dredge activities will cease if leaks are found. Operations may resume upon appropriate repair of affected couplings, or other equipment.
- 19) The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

Threatened and Endangered Species

- 19) This Department of the Army permit does not authorize you to take a threatened and/or endangered species and/or to modify designated critical habitat, in particular the Loggerhead sea turtle (marine) (Northwest Atlantic DPS) (*Caretta caretta*); Green sea turtle (marine) (North Atlantic DPS) (*Chelonia mydas*); Hawksbill sea turtle (marine) (*Eretmochelys imbricate*); Leatherback sea turtle (marine) (*Dermochelys coriacea*); Shortnose sturgeon (*Acipenser brevirostrum*); Atlantic sturgeon (Carolina DPS) (*Acipenser oxyrinchus*); West Indian manatee (*Trichechus manatus*); Piping plover (*Charadrius melodus*); Red knot (*Calidris canutus rufa*); Seabeach amaranth *Amaranthus pumilus*); and Piping Plover Wintering Critical Habitat. In order to legally take a listed species or modify a critical habitat, you shall have separate authorization under the ESA (e.g., an ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you shall comply). Listed species and designated critical habitats within the action area boundaries are under ESA purview of both the National Marine Fisheries Service Protective Resource Division (NMFS) and the U.S. Fish and Wildlife Service (USFWS). The NMFS March 26, 2020 South Atlantic Regional Biological Opinion (SARBO) for Dredging and Material Placement Activities in the Southeast United States have mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the SARBO. The complete SARBO is available at the following site: <https://dqm.usace.army.mil/odess/#/technicalInfo>

Your authorization under this permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the SARBO. Failure to comply with the terms and conditions associated with incidental take of the SARBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your permit. The National Marine Fisheries Service – Protected Resources Division (NMFS-PRD) is the appropriate authority to determine compliance with the terms and conditions of their SARBO, and with the ESA.

- 20) In regards to the NMFS SARBO, the Permittee understands and agrees that, even where it is in full compliance with the terms and conditions of the SARBO Incidental Take Statement (ITS) and this permit, incidental take by the Permittee or other dredging operations within the area covered by the SARBO may result in suspension or modification of this permit by the Corps. The amount of incidental take that will trigger suspension, and the need for any such suspension, shall be determined at the discretion of the Corps. The Permittee understands and agrees on behalf of itself, its agents, contractors, and other representatives, no claim, legal action in equity or for damages, adjustment, or other entitlement against the Corps shall arise as a result of such suspension or related action.

- a. The March 26, 2020 SARBO contains Project Design Criteria (PDCs) that are subject to the specific and general activities associated with the

authorized project. All PDCs included in Attachment A must be adhered to and implemented.

b. Failure to comply with all applicable project design criteria and mandatory conservation measures would constitute non-compliance with your USACE permit. Failure to comply with this permit will be the basis for suspension and revocation of this permit and may be the basis for other enforcement action. NMFS has directed that this SARBO issued to the Corps serve as the formal consultation for all projects in the area covered by the SARBO; however, where the terms and conditions of the SARBO differ from the special conditions of this permit, the special conditions of this permit will take precedence as the more stringent condition. The 2020 SARBO supersedes the 1997 SARBO, which was previously used for these projects. Please reference Section 10.1, Table 53 of the 2020 SARBO for the updated ITS allocations.

- 21) In the event an incidental take of any of the listed species in Special Condition 19 (above) occurs during construction, the Permittee shall stop all dredging and/or nearshore placement operations and contact the Corps for consultation to determine the appropriate action, including the immediate implementation of additional protective measures. The Permittee shall immediately notify the Wilmington Regulatory Field Office, Attn: Project Manager, Mr. Greg Currey, by email gregory.e.currey@usace.army.mil or by telephone at (910) 523-1151 that an incidental take has occurred. In the case of an incidental take of a sea turtle, the Sea Turtle Mortality Report will be filled out by the Observer immediately (within 6 hours) and e-mailed in pdf format to akereport.nmfsser@noaa.gov and the Corps contact listed above.
- 22) Dredging operations involving hydraulic cutter dredge plants must follow the protocols outlined in the Dredge Plant Conditions disclosed in Attachment B.
- 23) The permittee shall coordinate the placement of all dredge pipelines with the Corps, the US Fish and Wildlife Service, and the North Carolina Wildlife Resources Commission (NCWRC).
- 24) In order to protect the endangered West Indian manatee (*Trichechus manatus*) the Permittee shall implement the U.S. Fish and Wildlife Service's Manatee Guidelines, and strictly adhere to all requirements therein. The guidelines can be found at https://www.fws.gov/raleigh/pdfs/manatee_guidelines.pdf.

Enforcement

- 25) Violation of these permit conditions or violation of Section 404 of the Clean Water

Act or Section 10 of the Rivers and Harbors Act shall be reported to the Corps in writing and by telephone at: 910-523-1151 within 24 hours of the Permittee's discovery of the violation.

- 26) A representative of the USACE, Regulatory Division will periodically and randomly inspect the work for compliance with these conditions. Deviations from the permitted activities and permit conditions may result in cessation of work until the problem is resolved to the satisfaction of the USACE. No claim, legal action in equity or for damages, adjustment, or other entitlement shall be asserted against the United States on account of any such required cessation or related action, by the permittee, its agents, contractors, or other representatives.
- 27) The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

Navigation

- 28) The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation, or alteration.
- 29) The authorized project must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work for reason other than safety.

Miscellaneous

- 31) In issuing this permit, the Federal Government does not assume any liability for:
- a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;
 - b) Damages to the permitted project or uses thereof as a result of current or future Federal activities initiated on behalf of the general public;
 - c) Damages to other permitted or unpermitted activities or structures caused by the authorized activity;
 - d) Design and

construction deficiencies associated with the permitted work; e) Damage claims associated with any future modification, suspension, or revocation of this permit.

- 32) To address concerns from the United States Coast Guard: The following information must be provided 10 days prior to the commencement of dredge operations:

ANY DREDGING OR OTHER OPERATIONAL ACTIVITY THAT IMPACTS THE SAFE NAVIGATION ON FEDERAL WATERWAYS.

1. DATES (INCLUSIVE) OF OPERATION.
2. HOURS OF OPERATION (24 HOURS/DAYLIGHT HOURS ONLY).
3. NAMES OF THE INVOLVED VESSEL(S).
4. WORKING AND STANDBY FREQUENCIES.
5. SPECIFIC LOCATION (MILE MARKER/CHANNEL).
6. ANY SPECIFIC INSTRUCTIONS OR CONCERNS THAT WOULD BE PERTINENT TO THE MARINER. (NOTE: WE CAN ONLY PROVIDE INFORMATION. WE CANNOT DIRECT THE MOVEMENTS OF VESSELS. WE URGE THE MARINER TO ADHERE TO THE REQUESTED ACTIONS.)

Submit the information to:

USCG SECTOR NC WATERWAYS
DIV 721 MEDICAL CENTER DRIVE
WILMINGTON, NC 28401

OR EMAIL NCmarineevents@uscg.mil

- 33) Should Federal Aids to Navigation need to be relocated to facilitate this operation, 30 days' notice is required. The request will be sent to the Coast Guard District Five Office at:

USCG DISTRICT FIVE (DPW) 431
CRAWFORD STREET
PORTSMOUTH, VA 23704
OR EMAIL
CGD5Waterways@uscg.mil

- 34) The Permittee shall comply with all U.S. Coast Guard regulations for dredging operations. The Permittee shall contact Commander, Fifth Coast Guard District at (757) 398-6220 or CGD5Waterways@uscg.mil at least 30 days prior to construction to request a notice in the Local Notice to Mariners. The Permittee shall notify the Corps when this coordination with the U.S. Coast Guard has commenced.

- 35) The permittee must install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office at telephone, (910) 772-2200.

ATTACHMENT (A)

(SARBO Project Design Criteria)

Permit Conditions for 2020 SARBO Project Design Criteria (PDC)

For all activities:

(ED1) All personnel associated with this project shall be instructed about the potential presence of species protected under the ESA and MMPA and the appropriate protocols if they are encountered including those in the **PSO conditions listed below**.

(ED2) All on-site project personnel are responsible for observing water-related activities for the presence of ESA-listed species.

(ED3) All on-site project personnel will be informed of all ESA-listed species that may be present in the area and advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals.

(ED4) All on-site project personnel will be briefed that the disposal of waste materials into the marine environment is prohibited. All crew will attempt to remove and properly dispose of all marine debris discovered during dredging operations, to the maximum extent possible.

All In-water Activities:

(INWATER1) All work, including equipment, staging areas, and placement of materials, will be done in a manner that does not block access of ESA-listed species from moving around or past construction.

(INWATER2) Equipment will be staged, placed, and moved in areas and ways that minimize effects to species and resources in the area, to the maximum extent possible. Specifically:

7. All vessels will preferentially follow deep-water routes (e.g., marked channels) to avoid potential groundings or damaging bottom resources whenever possible and practicable.

8. Barges, scows, and other similar support equipment will be positioned away from areas with sensitive bottom resources such as non-ESA-listed seagrasses, corals, and hardbottom, to the maximum extent possible.

9. Pipelines will be placed in areas away from bottom resources and of sufficient size or weight to prevent movement or anchored to prevent movement or the pipeline will be floated over sensitive areas.

(INWATER3) All work that may generate turbidity will be completed in a way that minimizes the risk of turbidity and sedimentation to non-ESA-listed non-mobile species (e.g., non-ESA-listed corals, sponges, and other natural resources) to the maximum extent practicable. This may

include selecting equipment types that minimize turbidity and positioning equipment away or downstream of non-mobile species.

(INWATER4) If turbidity curtains are used, barriers will be positioned in a way that does not block species' entry to or exit from designated critical habitat and does not entrap species within the construction area or block access for them to navigate around the construction area. Project personnel must take measures to monitor for entrapped species in areas contained by turbidity curtains and allow access for them to escape if spotted.

(INWATER5) If lines or cables are used (e.g., to mark floating buoys, lines connecting pickup buoy lines, or for turbidity curtains):

- In-water lines (rope, chain, and cable) will be stiff, taut, non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, will be enclosed in a plastic or rubber sleeve/tube to add rigidity and to prevent the line from looping or tangling. In all instances, no excess line is allowed in the water.
- All lines or cables will be immediately removed upon project completion.
- All in-water lines and materials will be monitored regularly to ensure nothing has become entangled.
- Cables or lines with loops used to move pipelines or buoys will not be left in the water unattended.

All Dredging:

(STURGEON2) Dredging operations, including related equipment, and projects conducted by other entities in the vicinity will not block more than 50% of the sturgeon river width to allow safe passage of sturgeon.

Cutterhead Dredge:

(CUTTER1): The cutterhead will not be engaged/turned on when not embedded in the sediment, to the maximum extent possible.

Sturgeon Monitoring - Dredging within Timeframes described above:

Monitoring: An approved PSO or Government Quality Assurance personnel or contractor can be appointed as a designated observer in charge of monitoring the upland discharge/disposal area used for cutterhead dredging in sturgeon rivers.

Training: The designated observer will have training in identification of fish parts. Information on sturgeon identification is provided in the attached document titled Sturgeon Handling, Tagging and Sampling Protocol. The designated observer will also train all crew of the presence of sturgeon and that all sturgeon or suspected fish parts will be reported to the designated observer.

Timing: The designated observer will check for fish or parts at the overflow end of the disposal pond and any other areas where debris collects at least twice per day.

Collection of fish by a designated crew member: The designated crew member will collect, document, and photograph all parts identified as or suspected to be fish or fish parts according to the handling guidance in attached document titled Sturgeon Handling, Tagging and Sampling Protocol. Collected fish parts must then be passed to an approved PSO or a trained biologist for identification.

Collection of fish by an approved PSO/trained biologist: The PSO/trained biologist will collect, document, photograph, and report all parts identified as sturgeon or suspected to be sturgeon parts according to the handling guidance in the attached document titled Sturgeon Handling, Tagging and Sampling Protocol.

Genetic Sampling: All Atlantic sturgeon or suspected sturgeon parts will have a genetic sample taken and submitted for testing to identify if the fish collected was a sturgeon and the Atlantic sturgeon DPS according to the guidance in the attached document titled Sturgeon Handling, Tagging and Sampling Protocol.

Reporting: All sturgeon collected will be reported according to the guidance in the attached document titled Sturgeon Handling, Tagging and Sampling Protocol.

PSO and Reporting:

(OBSERVE1) For generally stationary construction with work contained to a specific project area, such as mechanical dredging equipment:

- All personnel working on the project will report ESA-listed species observed in the area to the on-site crew member in charge of operations.
- Operations of moving equipment will cease if an ESA-listed species is observed within 150 ft of operations by any personnel working on a project covered under this Opinion (e.g., sea turtles, sturgeon, elasmobranchs [giant manta ray, scalloped hammerhead shark, oceanic white tip shark] or ESA-listed marine mammal).
- Activities will not resume until the ESA-listed species has departed the project area of its own volition (e.g., species was observed departing or 20 minutes have passed since the animal was last seen in the area).

(OBSERVE2) For a vessel underway, such as a hopper dredge or support vessel, traveling within or between operations must follow speed and distance requirements, defined below, while ensuring vessel safety:

- All personnel working onboard will report ESA-listed species observed in the area to the vessel captain.
- If an ESA-listed species is spotted within the vessel's path, initiate evasive maneuvers to avoid collision.

(OBSERVE4) Any collision(s) with an ESA-listed species must be immediately reported to the USACE according to their internal protocol and to NMFS consistent with the reporting requirements listed below in Take reporting Requirements "Pages 25 & 26 below). A vessel collision with an ESA-listed species is counted as take for the project. In addition, reports of certain species shall also be reported as listed below. A link to the most current contact information will also be available at (SERODredge@noaa.gov).

- Sea turtle take will also be reported to the appropriate state species representative(<https://www.fisheries.noaa.gov/state-coordinators-sea-turtlestranding-and-salvage-network>).

(OBSERVE5) Any collision with a marine mammal will be reported immediately to the Southeast Regional Marine Mammal Stranding hotline at 1-877-WHALE-HELP (1-877-942-5343).

All handling, tagging, and/or genetic sampling of ESA-listed species captured will be conducted by a PSO that meets the qualifications provided by NMFS.

(PSO1) Protected Species Training and Experience: PSOs selected to work on will meet the following requirements:

- PSOs will meet the training and experience requirements outlined by NMFS. PSO qualifications are confirmed by the NMFS Greater Atlantic Region Office, as defined on their website (<https://www.fisheries.noaa.gov/new-england-mid-atlantic/careersand-opportunities/protected-species-observers>) for endangered species observers. A link to the current NMFS PSO qualifications will also be available on the NMFS SARBO webpage (SERODredge@noaa.gov).
- PSOs will be trained and have experience to operate on the specific equipment they are aboard (e.g., hopper dredge, relocation trawler, G&G survey vessel). PSO will have training and/or experience to identify and handle all species that may occur in the geographic area of the project.
- PSO will be trained to safely install the specific tags being used and or collect genetic samples.
- ESA-listed species-specific safe handling procedures, tagging procedures, and genetic sampling procedures must be followed, as outlined in these PSO conditions. The most current procedures will be available on the NMFS SARBO webpage (SERODredge@noaa.gov). The PSO must carry a copy of the PSO PDCs and all other applicable PDCs while on the vessel for easy reference.
- The 2020 SARBO serves as the authority for the PSO to handle, tag, and genetic sample ESA-listed species for those projects.

(PSO2) To minimize the risk of vessel collisions, a PSO trained in species observation is also responsible for monitoring for the presence of ESA-listed species when the vessel is in motion and must therefore have the training and experience needed to identifying ESA-listed species and marine mammals in their natural environment.

(PSO4) Reporting Captures to NMFS: All nonlethal captures and dead ESA-listed species observed or collected during a project will be recorded and reported to NMFS according to the procedures outlined in the 2020 SARBO. The captures will be recorded as follows:

•Nonlethal take:

- ESA-listed species captured and released back into the wild alive and healthy, will be considered nonlethal take.
- If a sea turtle is entrained in a hopper dredge and is retrieved alive, the specialist such as a state sea turtle coordinator or sea turtle rehabilitation center specialist must be contacted to determine how the turtle should be

handled (e.g., euthanized or taken to a rehabilitation facility). The take for a live turtle entrained in a hopper dredge is considered lethal until deemed healthy after an evaluation or rehabilitation and released back into the wild, then the take can be revised to be nonlethal.

- If a sea turtle is captured in relocation trawling and is deemed unhealthy or injured and requires being sent to a specialist for further evaluation, the take is considered nonlethal, unless the species cannot be released back into the wild or dies, in which case the take must be updated to a lethal take.

• **Lethal take:** All ESA-listed species that are captured that are determined to be fresh dead, will be considered lethal take associated with the project and counted under the total allowed take for the 2020 SARBO. This includes the capture of ESA-listed species in relocation trawling or found within the project area including material removal and material placement areas. An explanation of how to determine if a species is fresh dead or decomposed and how to handle and report the specimen is provided in PSO PDC Section 4 below.

• **Recovered dead:** All ESA-listed species captured or observed in the project area that are decomposing will be considered a recovered specimen and will not be counted against the 2020 SARBO Incidental Take Statement. An explanation of how to determine if a species is fresh dead or decomposed and how to handle and report the specimen is provided in attached document titled Decomposition Examples.

- Report captures to other agencies:

- **Sea turtles:** All captures will be reported to the appropriate state species representative including live, fresh dead, and recovered dead ([salvage-network](#)).

- **Giant manta ray** will be reported to manta.ray@noaa.gov.

(PSO5) Photo Documentation: Photograph all captured ESA-listed species for identification purposes and classify sex where applicable (e.g., sea turtles). In addition, take photographs of all injuries to ESA-listed species and provide a high-resolution digital image with the take reporting forms as part of the reporting requirements, as follows:

- All injured, deceased, or otherwise debilitated sea turtles encountered during the course of dredging operations, whether intact, damaged, or partial remains, are thoroughly photographed.

- All surfaces should be clearly represented in the photos with both wide vantage and close-up images that portray any injuries and postmortem condition (if deceased).

- Minimally, this includes multiple images of the dorsal (top) and ventral (bottom) aspects of each specimen taken from different angles and perspectives.

- An identification placard and scale should appear in the images but should not obscure the specimen, injury, or specific area of interest. The identification placard will include the location of capture, date, time, and species. In addition, the time settings on the camera should be current so that the time stamp within the photo metadata is accurate.

- For any live capture that is injured or otherwise debilitated and will be taken to a rehabilitation facility, photographs can be delayed in order to minimize stress and risk of further injury prior to veterinary examination.

- For deceased specimens, photos will be taken within 2 hours following discovery so that postmortem state in the images accurately portrays the condition at the time of discovery.

(PSO6) Written Documentation: Document all relevant details of the capture according to the reporting requirements listed below in Take Reporting Requirements, (Pages 25 & 26 (e.g., species, size, sex, condition upon release, location of capture, and time of capture) that can be observed or measured by the PSO without causing harm to the animal.

(PSO7) Tagging: Nonlethal captures of ESA-listed species will be tagged according to the following requirements. Tagging requirements only apply to those ESA-listed species that are brought aboard a relocation trawler or those captured and ultimately released alive from a hopper dredge after being evaluated by a specialist and/or rehabilitated.

- Scanning: All ESA-listed species (live and dead) and/or species parts captured by a hopper dredge or brought aboard a relocation trawler will be scanned for passive integrated transponder (PIT) tags to determine if the animal has been previously tagged. The presence of any external tags (e.g., flipper tags, dart tags) will also be noted. All previous tag numbers must be recorded and reported on the appropriate forms outlined for each species in the attached document titled Species Handling, Tagging and Genetic Sampling.

- Tagging: All ESA-listed species captured alive and in good health by a hopper dredge or brought aboard a relocation trawler that are scanned and lack a previous pit tag, will be PIT tagged according to the specific species procedures identified in the attached document titled Species Handling, Tagging and Genetic Sampling. Additional external tags (e.g., flipper tags) are optional. The cost associated with tagging is the responsibility of the federal action agency overseeing the project (i.e., USACE or BOEM) or the company awarded the contract.

(PSO8) Genetic Sampling: All nonlethal and lethal captures of ESA-listed species will have genetic samples taken except:

- Live ESA-listed species that are not brought aboard a relocation trawler (PSO PDC Section 3.2).
- Any leatherback sea turtles, even if brought aboard the vessel to untangle and safely release.
- Any shortnose sturgeon.
- If the PSO believes that collecting a sample would imperil human or animal safety. The rationale for this decision will be recorded on the species observation form and available digitally as part of the reporting requirements.

(PSO 9) Genetic samples will be collected according to the handling procedures defined for each species in the attached document title Species Handling, Tagging, and Genetic Sampling.

- A tissue sample will be collected from any dead ESA-listed species. If multiple dead animal parts are found, a sample will be collected from all parts that are not connected to one another regardless of whether the tissues are believed to be from the same turtle. For example, if part of a sea turtle flipper and a detached head are found at the same time, a sample from each part will be collected for genetic analysis.
- All genetic samples will be preserved in RNAlater™ preservative. Once the sample is in buffer solution, refrigeration/freezing is not required, but care should be taken not to expose the sample to excessive heat or sunlight. Label each sample with the animal's unique identification number (PIT tag number). Since giant mantas will not be pit tagged, label any samples collected with the date, project name, and species name. Do not use glass vials; a 2-millimeter screw top plastic vial is preferred (e.g., MidWest Scientific AVFS2002 and AVC100N). Gently shake the sample to ensure the solution covers the entire sample.
- Genetic samples will be mailed to the addresses listed below with information provided in the container stating the sample was collected under the 2020 SARBO (Project name, SARBO SER-2008-05934). Package the genetic samples with an absorbent material within a double-sealed container (e.g., zip lock bag). If more than 1 sample is being sent to an address, package all of the samples together. The cost associated with taking the sample and delivering it to the appropriate entity listed below is the responsibility of the federal action agency overseeing the project (i.e., USACE or BOEM) or the company awarded the contract.

- o Sea turtles: Sea Turtle Program NOAA Southeast Fisheries Science Center
Attn: Lisa Belskis, 75 Virginia Beach Drive, Miami, Florida 33149. Contact
number: 305-361-4212 Lisa.Belskis@noaa.gov
- o Sturgeon: Geological Survey Leetown Science Center, Attention Robin
Johnson, Aquatic Ecology Branch, 11649 Leetown Road, Kearneysville,

West Virginia 25430.

o Elasmobranchs: NOAA Southeast Fisheries Science Center, Attention Dr. John Carlson, National Marine Fisheries Service, Panama City Laboratory, 3500 Delwood Beach Rd, Panama City, Florida, 32408).

(PSO10) Atlantic Sturgeon Genetic Sampling Testing Requirements:

- The permittee is responsible for the cost to analyze/test genetic samples from Atlantic sturgeon captured to determine the DPS of Atlantic sturgeon captured (live and dead captures).

- Atlantic sturgeon genetic samples will be recorded on and submitted with the Sturgeon Genetic Sample Submission spreadsheet available on the NMFS dredging webpage <https://www.fisheries.noaa.gov/content/southeast-dredging>. This form should indicate in the "comment field" if the Atlantic sturgeon was previously PIT tagged. A copy of that reporting spreadsheet will also be sent to NMFS (takereport.nmfs@noaa.gov), the genetic sampling address in PDC PSO.8 above along with the sample, and to mike_mangold@fws.gov.

(PSO16) Dead ESA-listed species collected within the area of work will be rated as fresh dead or decomposed and documented as described in PSO4 (Page 20 above). The determination of a specimen's condition (fresh dead or decomposed) is as follows:

- Decomposed specimens are those that exhibit obvious bloating (expansion of the body or tissues by putrefactive gases); detachment of skin upon handling; or liquefaction of organs and tissues. Examples of decomposition in sea turtles are provided in the attached document titled Decomposition Examples. Foul odor alone is not considered definitive evidence of decomposition.

- If it is not clear whether the specimen is fresh dead or decomposed, the specimen will be retained for further examination by an individual that has demonstrated expertise in sea turtle necropsy and forensic pathology. Such examinations typically include complete gross examination and selective histopathology, depending on postmortem condition. Individuals that will conduct examinations should be identified prior to the onset of dredging operations along with the necessary logistical planning for transportation and storage needs. The associated stranding coordinator for the state or region of the operation may be able to advise or assist in this regard as such needs are regularly required during stranding response. NMFS retains the right to review evidence or seek the opinion of an expert if a take determined to be decomposed should have been listed as fresh take and take associated with the project.

(PSO18) Dead ESA-listed species and species parts that need further examination by a specialist to determine the cause of death will be refrigerated, iced, or frozen as soon as possible, (must be iced or frozen no more than 2 hours from discovery). The timeline

from discovery to transfer for examination, including ambient temperature, must be thoroughly documented. Whether the carcass/part is refrigerated or frozen will depend on predetermined logistical parameters for a given project. In general, a carcass/part may be kept refrigerated or iced, but not frozen if it will be examined within 48 hours. Remains may be frozen if examination will be delayed or maintaining refrigeration is not possible for any reason.

- Dead turtles: Follow the protocol outlined on the *Protocol for Collecting Tissue From Dead Turtles for Genetic Analysis*

(<https://dqm.usace.army.mil/odess/documents/geneticsampleprotocol.pdf>). If a revised document is released, the PSO is required to follow the revised protocols. This document and any revisions will also be available on the NMFS dredging webpage (<https://www.fisheries.noaa.gov/content/southeast-dredging>).

- Dead sturgeon specimens will be reported to 1-844-STURG911 (1-844-788-7491) and via the Sturgeon Salvage Form (available on our Dredging website at:

<https://www.fisheries.noaa.gov/content/southeast-dredging>). In addition, a fin clip and a fin ray will be collected in accordance with the Genetic Sampling Collection Requirements described in (PSO3) above the genetic submission form (available on our Dredging website at: <https://www.fisheries.noaa.gov/content/southeast-dredging>).

- Dead elasmobranchs specimens will be stored as described in PSO16 above until advised how to dispose of or provide to Dr. John Carlson, NOAA Fisheries, Panama City Laboratory at 1-850-234-6541 x 221.

Take Reporting Requirements

The following details will be reported when take occurs associated with this project. This required information applies to lethal and nonlethal take of all species. The following information will be provided to the USACE and NMFS:

1. Location of take (latitude and longitude if possible or estimated based on the portion of project where work is occurring such as a specific portion of an entrance channel, pass, or borrow site)
2. Tow number when take occurred during relocation trawling or dredge load number if take occurred during hopper dredging.
3. Protected Species Observer/s that observed and handled the take: Observer name/company and contact information.
4. Species take must be tracked by total number (e.g., 3 loggerhead sea turtles). Atlantic sturgeon must be reported by District Population Segment (DPS). Project take details can initially state Atlantic sturgeon DPS unknown, but must be updated to known DPS when the genetic sample is processed, which will occur within 1 year of take. If the observed remains of a sea turtle cannot be identified by species, recording the take as unknown sea turtle is appropriate. Unknown sturgeon will require genetic testing to determine if it was an identifiable DPS of Atlantic sturgeon.
5. Previous animal identification/tracking tag information (internal and external tags), if any.
6. New passive integrated transponder (PIT) Tag information, if inserted according to the PSO conditions.
7. Genetic sample collected, if applicable under PSO conditions.
8. Age class of species take based on size (e.g., juvenile, adult).
9. Specimen Condition (e.g., alive, fresh dead, or decomposed. While decomposed animals are not counted as take associated with the project, they will still be recorded and reported with the project take.
10. Final disposition (e.g., released at site, relocated, rehabilitation and outcome once known, necropsy, disposal).
11. Species gender (if known).
12. Species size/length.
13. Beaufort state at the time of take.
14. Water temperature at the time of take-recorded at the water's surface in marine environments and at the bottom in estuarine and riverine environments.
15. Notes about species condition: Any additional relevant information regarding take of ESA-listed species including turtles with Fibropapillomatosis disease, previous wounds, or multiple ESA-listed species captured in same net.
16. Notes about site condition anomalies: Any observations by PSO or crew that may lead to increased captures or deposition of capture including presence of other species like cannonball jelly fish or regional conditions such as large storm or dramatic change in temperature like a recent cold snap.
17. If the take occurred during hopper dredging:

- a) List the location where take was identified (e.g., draghead, inflow box, overflow box).
- b) Provide the screening in place at the time of take. Were both inflow and overflow screening used? List the size of screening used for both.
- c) State if UXO/MEC screening was installed at time of take.

ATTACHMENT (B)

(Dredge Plans, checklist, and
ODESS forms)

Special Conditions for Hydraulic Cutterhead

1. Reporting requirements:

- **Pre-Construction Notification:** At least 2 weeks prior initiating the work authorized by this permit, the Permittee shall submit a completed "SARBO Pre-Construction Notification" form (see form below) to the following emails: RD.SARBO.GRBO@usace.army.mil and SERODredge@noaa.gov. The checklist must be completed using the form function (i.e. do not handwrite or create text boxes). Upon receipt of the notification form, you will receive a list of the Corps primary points of contact for reporting turtle take/incidents. If the permit authorizes multiple work events, the Permittee must submit the SARBO Pre-Construction Notification prior to each event.
- **Take Reporting:** All lethal and nonlethal take associated with a project covered under SARBO will be reported within 48 hours. Project details related to take that will be reported by completing "SARBO Take Reporting" form (see form below) and sent to the following emails: RD.SARBO.GRBO@usace.army.mil and SERODredge@noaa.gov. The checklist must be completed using the form function (i.e. do not handwrite or create text boxes).
- **Post-Construction Reporting:** Within 30 days of completing the work authorized by this permit, the Permittee shall submit a completed "SARBO Post-Construction Notification" form (see form below) to the following emails: RD.SARBO.GRBO@usace.army.mil and SERODredge@noaa.gov. The checklist must be completed using the form function (i.e. do not handwrite or create text boxes).

South Atlantic Regional Biological Opinion (March 2020)

Pre-Construction Notification Form

This form is used by the U.S. Army Corps of Engineers to document compliance with Section 2.9.3.5 of the South Atlantic Regional Biological Opinion (SARBO). You are required to complete this form and submit it via email to the email addresses listed in the special condition in the USACE permit **TWO WEEKS** prior to commencing work. The form must be completed electronically using the form feature (i.e. do not handwrite or create text boxes).

1) USACE Project Manager (point of contact and contact information):

2) Protected Species Observer (PSO)

a) Will a PSO be used? ☐ Yes ☐ No

b) Provide the observer company, if a PSO was used, and contact information:

3) List all federal action agency/s associated with project (Select all that apply):

USACE: ☐ SAD ☐ SAC ☐ SAJ ☐ SAS ☐ SAW

☐ FEMA ☐ BOEM ☐ U.S. Air Force ☐ Other:

4) All federal action agency project tracking numbers associated with the project, if applicable (e.g., USACE Regulatory tracking number, e.g., SAW-2018-xxxxx):

5) Biological Opinion(s) used to authorize the work:

☐ SARBO

☐ JAXBO (SAJ)

- 6) Estimated project start date:
- 7) Estimated project complete date:
- 8) Project name (Typically projects are referred to by the name of the area. If the area has more than one common name, all common names should be provided):
- 9) Project location:
- a) Project location for dredging¹. For regularly occurring projects with an easily referenced named location, a central location may be sufficient (e.g., latitude and longitude in decimal degree format [xx.xxxx, -xx.xxxx]).
 - b) Project location for placement. For regularly occurring projects with an easily referenced named location, a central location may be sufficient (e.g., latitude and longitude in decimal degree format [xx.xxxx, -xx.xxxx]).
- 10) Is the project occurring in an area identified in this Opinion that requires additional protection (select all that apply)?
- ☐ ESA-listed coral (Appendix C) ☐ Johnson's seagrass (Appendix D)
- ☐ Sturgeon rivers (Appendix E)
- ☐ When and where North Atlantic right whales may be present (Appendix F)

¹ Project spatiolocation (i.e., shapefile/.kmz) to show the complete action area is needed if this information has not been previously provided to NMFS.

- 11) and 12) Is the project occurring within the geographic limits of a designated critical habitat, even if features are not impacted? Total area of the project that occurs within the geographic area of one or more critical habitat units, if applicable.

Critical habitat	Unit	Additional unit (if applicable)	Total area (Square feet)
Green sea turtle	Select one	N/A	
Leatherback sea turtle	Select One	N/A	
Loggerhead sea turtle	Select One	Select One	
Hawksbill sea turtle	Select One	Select One	
Atlantic sturgeon	Select One	Select One	
<i>Acropora</i> (Elkhorn and staghorn coral)	Select One	N/A	
Johnson's seagrass	Select One	Select One	
North Atlantic right whale	Select One	N/A	

- 13) Project type/s (Check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Maintenance Dredging | <input type="checkbox"/> Minor channel modification/realignment |
| <input type="checkbox"/> Borrow site | <input type="checkbox"/> Muck dredging |
| <input type="checkbox"/> Beach nourishment | <input type="checkbox"/> Nearshore placement |
| <input type="checkbox"/> ODMDS | <input type="checkbox"/> G&G survey |
| <input type="checkbox"/> New placement location | <input type="checkbox"/> Other |

- 14) Pre-project proposed dredge and placement total volume in cubic yards.

Dredge:

Placement:

- 15) Previous dredge templates:

- a) Does dredging exceed the previously federally-approved or federally-authorized dredge template including previously considered overdepth and/or advanced maintenance? ☐ Yes ☐ No
- b) If you selected yes to question 16a, provide an explanation (e.g., approved through supersede, unintentional/unusual event and lesson learned).

16) Select all of the vessels and specific equipment used on project. A single project may include more than 1 category of equipment listed below for a portion or all of a project. The equipment types expected to be used and listed with the pre-construction notification will be updated at the end of the project if modifications were necessary.

☐ Hopper dredge

☐ Modified hopper

☐ Non-hopper dredging equipment (e.g., bucket, clamshell, cutterhead, water-injection, bed-leveling to complete project)

☐ Bed-leveling (used as the sole form of material movement or just during clean-up phase of hopper dredging).

☐ Geophysical survey

☐ Relocation trawling

☐ New Equipment or construction method approved through the SARBO
Supersede 2 process outlined in Section 2.9.5.2 of this Opinion.

17) The Corps regulatory project manager confirms that all applicable PDCs have been reviewed and will be requirements of the permit, as noted in the decision document?

☐ Yes

☐ No

18) Date Pre-Construction Form completed and emailed:



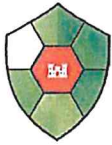
Endangered Species System (ODESS)



Trawling Report

Date _____ Dredge Site _____ Dredge _____
 Trawler _____ Biologist(s) _____ Captain _____
 Tide (Time/High or Low) _____ Hrs ☐ H ☐ L _____ Hrs ☐ H ☐ L _____
 Water Temperature (°C) _____ Air Temperature (°C) _____ Wind Speed/Direction _____ Wave Height _____
 Bottom Type _____ Station #s _____

[illegible]



Operations & Dredging Endangered Species System (ODESS) Sea Turtle Tagging Report



US Army Corps
of Engineers®

Turtle # _____

Channel: _____	Date: _____	Vessel: _____
Tow #: _____	Time: _____	Net: <input type="checkbox"/> Port <input type="checkbox"/> Starboard
Species: _____	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Unknown

Capture Information

Capture Location:	Channel: _____	State: _____
	Lat: _____	Long: _____
Capture Method: _____		

Flipper Tag Information

Left: _____	Right: _____
PIT Tag #: _____	PIT Tag Sticker: _____

Species Information

Straight Carapace Length:	SCLmin: _____	SCLn-t: _____	SCLt-t: _____
Straight Carapace Width: _____			
Curved Carapace Length:	CCLmin: _____	CCLn-t: _____	CCLt-t: _____
Curved Carapace Width: _____			
Condition of Specimen: _____			

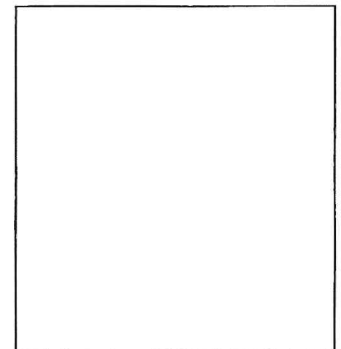
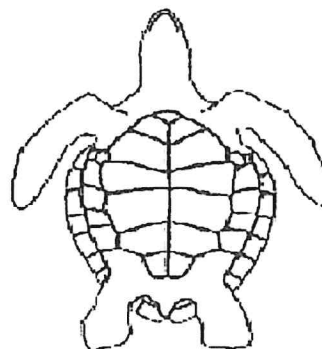
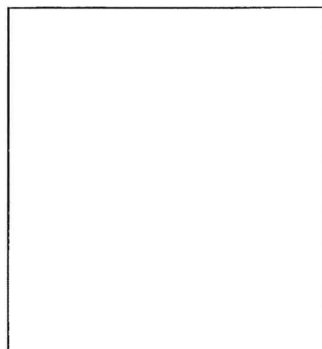
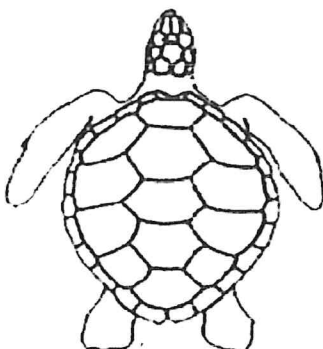
Miscellaneous

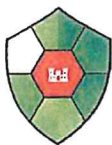
Biospy Taken: <input type="checkbox"/> Yes <input type="checkbox"/> No	Location: _____
Photos: <input type="checkbox"/> Yes <input type="checkbox"/> No	Frame #s _____ Camera: <input type="checkbox"/> Digital <input type="checkbox"/> Film <input type="checkbox"/> Video
Tag Scars: <input type="checkbox"/> Yes <input type="checkbox"/> No	Magnetic Wires: <input type="checkbox"/> Yes <input type="checkbox"/> No Living Tag (Kemps Only): <input type="checkbox"/> Yes <input type="checkbox"/> No
Recapture: <input type="checkbox"/> Yes <input type="checkbox"/> No	This Project: <input type="checkbox"/> Yes <input type="checkbox"/> No Non-ECO Project: <input type="checkbox"/> Yes <input type="checkbox"/> No
Organization Tagging: _____	
Biologist(s): _____	

Turtle Release Information

Date: _____	Time: _____
Lat: _____	Long: _____
Location: _____	

Remarks: Note injuries, gear or debris entanglement, wounds or mutations, propeller damage, papillomas, tag locations/tag scar locations, etc. Shade missing portions.





Operations & Dredging Endangered Species System (ODESS) Sturgeon Capture & Relocation Data Form



US Army Corps
of Engineers®

Date _____

Project Name: _____	USACE District: _____
Trawler Name: _____	Biologist: _____
Captain(s): _____	Trawling for Dredge: _____

Weather Conditions

H ₂ O Temperature: _____ °C	Tide/Time: _____	<input type="checkbox"/> High <input type="checkbox"/> Low	Tide/Time: _____	<input type="checkbox"/> High <input type="checkbox"/> Low								
Air Temperature: _____	Wind Speed/Direction: _____	Wave Height: _____	Bottom Type: _____									
Beaufort Sea State: 0	1	2	3	4	5	6	7	8	9	10	11	12

Tow Information

Tow #: _____	Time (24 hrs)/Start: _____	Time (24 hrs)/End: _____
Tow Start/Latitude: _____	Tow Start/Longitude: _____	
Tow End/Latitude: _____	Tow End/Longitude: _____	
Nets: <input type="checkbox"/> Port <input type="checkbox"/> Starboard	Bib Nets: <input type="checkbox"/> Yes <input type="checkbox"/> No	Rollers: <input type="checkbox"/> Yes <input type="checkbox"/> No

Species Information

Species: <input type="checkbox"/> Atlantic <input type="checkbox"/> Shortnose <input type="checkbox"/> Gulf	Project Capture #: _____
Condition: _____	
Measurements:	
Total Length: _____ cm	Fork Length: _____ cm
Mouth Width (inside lips): _____ cm	Interorbital Width: _____ cm

Miscellaneous Information

Genetic Sample Taken: <input type="checkbox"/> Yes <input type="checkbox"/> No	Photos Taken: <input type="checkbox"/> Yes <input type="checkbox"/> No
Scars Present: _____	

Tag Information

Previously Tagged: <input type="checkbox"/> Yes <input type="checkbox"/> No	Pit Tag Scan: <input type="checkbox"/> Yes <input type="checkbox"/> No
Previous Tag ID: PIT _____	Tags Applied ID: PIT _____

Release Information

Condition: _____	
Time: _____	Latitude: _____ Longitude: _____

Comments

_____ _____ _____ _____ _____ _____
--

Trawl Supervisor: _____



Operations & Dredging Endangered Species System (ODESS) Marine Mammal Observation



US Army Corps
of Engineers®

District

Project

Contract

Dredge

Dredging Company

Load Number (Required)/Date

Start Date (Required)

Start Time (24 hours) (Required)

End Date (Required)

End Time (24 hours) (Required)

Beaufort Sea State

- ☐ 0 (0-1 kn, 0-0 ft)
☐ 1 (1-3 kn, 0-1 ft)
☐ 2 (4-6 kn, 1-2 ft)
☐ 3 (6-10 kn, 2-3.5 ft)
☐ 4 (10-16 kn, 3.5-6 ft)
☐ 5 (16-21 kn, 6-9 ft)
☐ 6 (21-27 kn, 9-13 ft)

- ☐ 7 (27-33 kn, 13-19 ft)
☐ 8 (33-40 kn, 19-25 ft)
☐ 9 (40-47 kn, 25-32 ft)
☐ 10 (47-55 kn, 32-41 ft)
☐ 11 (55-63 kn, 41-52 ft)
☐ 12 (>63 kn, >52 ft)

Species Observed (Required)

- | | | |
|---|---|---|
| <input type="checkbox"/> Bryde's/Sei Whale
___ Est. Length (ft.) ___ | <input type="checkbox"/> Manatee
___ Est. Length (ft.) ___ | <input type="checkbox"/> Right Whale
___ Est. Length (ft.) ___ |
| <input type="checkbox"/> Fin Whale
___ Est. Length (ft.) ___ | <input type="checkbox"/> Minke Whale
___ Est. Length (ft.) ___ | <input type="checkbox"/> Unknown
___ Est. Length (ft.) ___ |
| <input type="checkbox"/> Humpback Whale
___ Est. Length (ft.) ___ | <input type="checkbox"/> Pilot Whale
___ Est. Length (ft.) ___ | |

Air Temp (°C)

Water Temp (°C)

Winds (K)

Seas (ft)

Cloud Cover (%)

Magnetic Bearing to Sighting

Estimated Distance

Vessel's Heading

Heading of Animal(s)

Coloration

Fins or Flippers Observed

Behaviors Observed

Surfacing Intervals Time

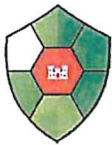
Surfacing Intervals Distance

Comments (Was the behavior of the animal(s) affected by the vessel? How far did the animal(s) move? Who was notified?)

Observer(s) Name(s) (Required; Print)

Observer(s) Signature(s)

Observer(s) Company



Operations & Dredging Endangered Species System (ODESS) Sturgeon Incident



US Army Corps
of Engineers®

District

Project

Contract

Dredge

Dredging Company

Species (Required)

☐ Atlantic

☐ Green

☐ Gulf

☐ Shortnose

☐ Unknown

Load Number (Required)/Date

Recovery Date (Required)

Recovery Time (24 hours) (Required)

Is this a Take? (Required)

☐ Yes

☐ No

Incident/Take Description

Location Specimen Recovered

☐ Deck

☐ Draghead

☐ Inflow Cage (Circle one)

Starboard/Port/Other

☐ Hopper

☐ Overflow Screen (Circle one)

Starboard/Port/Other

☐ Pipe

Specimen Condition

☐ Alive

☐ Dead

☐ Fresh Dead

☐ Moderately Decomposed

☐ Severely Decomposed

☐ Skeleton

☐ Skeleton Old Bone

☐ Undetermined

Rows of Preanal Shields

(SSN = 1/ATL = 2)

Location Comment

Dorsal Scutes (SSN = 8-13/ATL = 7-16)

Lateral Scutes (SSN = 22-33/ATL = 24-35)

Ventral Scutes (SSN = 7-11/ATL = 6-9)

Fork Length (cm/in)

Standard Length (cm/in)

Total Length (cm/in)

Mouth Width (cm/in)

Head Width at Eyes (cm/in)

Other (cm/in)

Genetic Samples Taken?

☐ Yes

☐ No

Samples Frozen/Preserved?

☐ Yes

☐ No

Photo Attached?

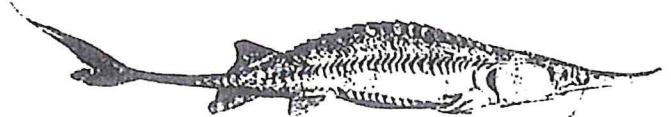
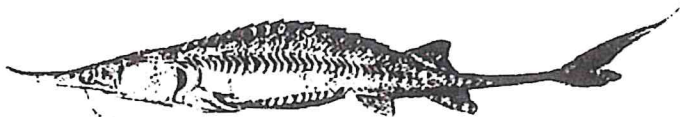
(If Yes, label the species, date, geographic site, and dredge name on the photo)

☐ Yes

☐ No

Comments

Use these diagrams to illustrate the specimen/part that was recovered.



Observer(s) Name(s) (Required; Print)

Observer(s) Signature(s)

Observer(s) Company



Operations & Dredging Endangered Species System (ODESS) Turtle Incident



US Army Corps
of Engineers®

District	Project	Contract
<input type="text"/>	<input type="text"/>	<input type="text"/>

Dredge	Dredging Company	Species (Required)
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> Green <input type="checkbox"/> Hawksbill <input type="checkbox"/> Kemp's Ridley <input type="checkbox"/> Leatherback <input type="checkbox"/> Loggerhead <input type="checkbox"/> Unknown

Load Number (Required)/Date	Is this a Take? (Required)	Project Incident # (Required)
<input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>

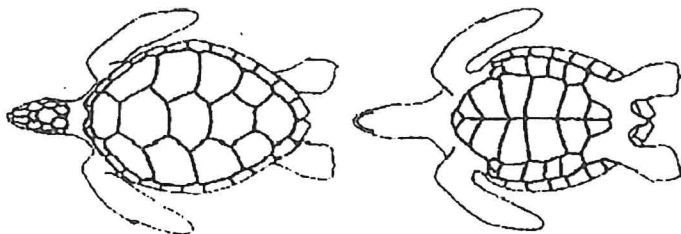
Recovery Date (Required)	Recovery Time (24 hours) (Required)	Incident/Take Description
<input type="text"/>	<input type="text"/>	
Air Temp (°C)	Surface Water Temperature (°C)	
<input type="text"/>	<input type="text"/>	
Mid-Depth Water Temperature (°C)	Bottom Water Temperature (°C)	
<input type="text"/>	<input type="text"/>	

Location Specimen Recovered	Age Class	Gender	Specimen Condition
<input type="checkbox"/> Deck <input type="checkbox"/> Draghead <input type="checkbox"/> Inflow Cage (Circle one) Starboard/Port/Other	<input type="checkbox"/> Hopper <input type="checkbox"/> Overflow Screen (Circle one) Starboard/Port/Other <input type="checkbox"/> Pipe	<input type="checkbox"/> Juvenile (10.1-80 cm) <input type="checkbox"/> Sub-Adult (80.1-87 cm) <input type="checkbox"/> Adult (>87 cm) <input type="checkbox"/> Unknown	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Unknown
Location Comment			<input type="checkbox"/> Alive <input type="checkbox"/> Dead <input type="checkbox"/> Fresh Dead <input type="checkbox"/> Moderately Decomposed <input type="checkbox"/> Severely Decomposed <input type="checkbox"/> Skeleton <input type="checkbox"/> Skeleton Old Bone <input type="checkbox"/> Undetermined
<input type="text"/>			

Tag Type	Head Width (cm/in)	How Gender Determined	Photo Attached? (If Yes, label the species, date, geographic site, and dredge name on the photo)
<input type="checkbox"/> Flipper <input type="checkbox"/> Pit <input type="checkbox"/> Other (Specify) <input type="text"/>	<input type="text"/>	<input type="checkbox"/> Tail Length <input type="checkbox"/> Eggs Observed <input type="checkbox"/> Other <input type="text"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tag Number	Plastron Length (cm/in)	Carapace Straight Length (cm/in)	Carapace Curved Length (cm/in)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tag Date	Plastron Width (cm/in)	Carapace Straight Width (cm/in)	Carapace Curved Width (cm/in)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Genetic Samples Taken?	Final Disposition of Specimen
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text"/>

Use these diagrams to illustrate the specimen/part that was recovered.



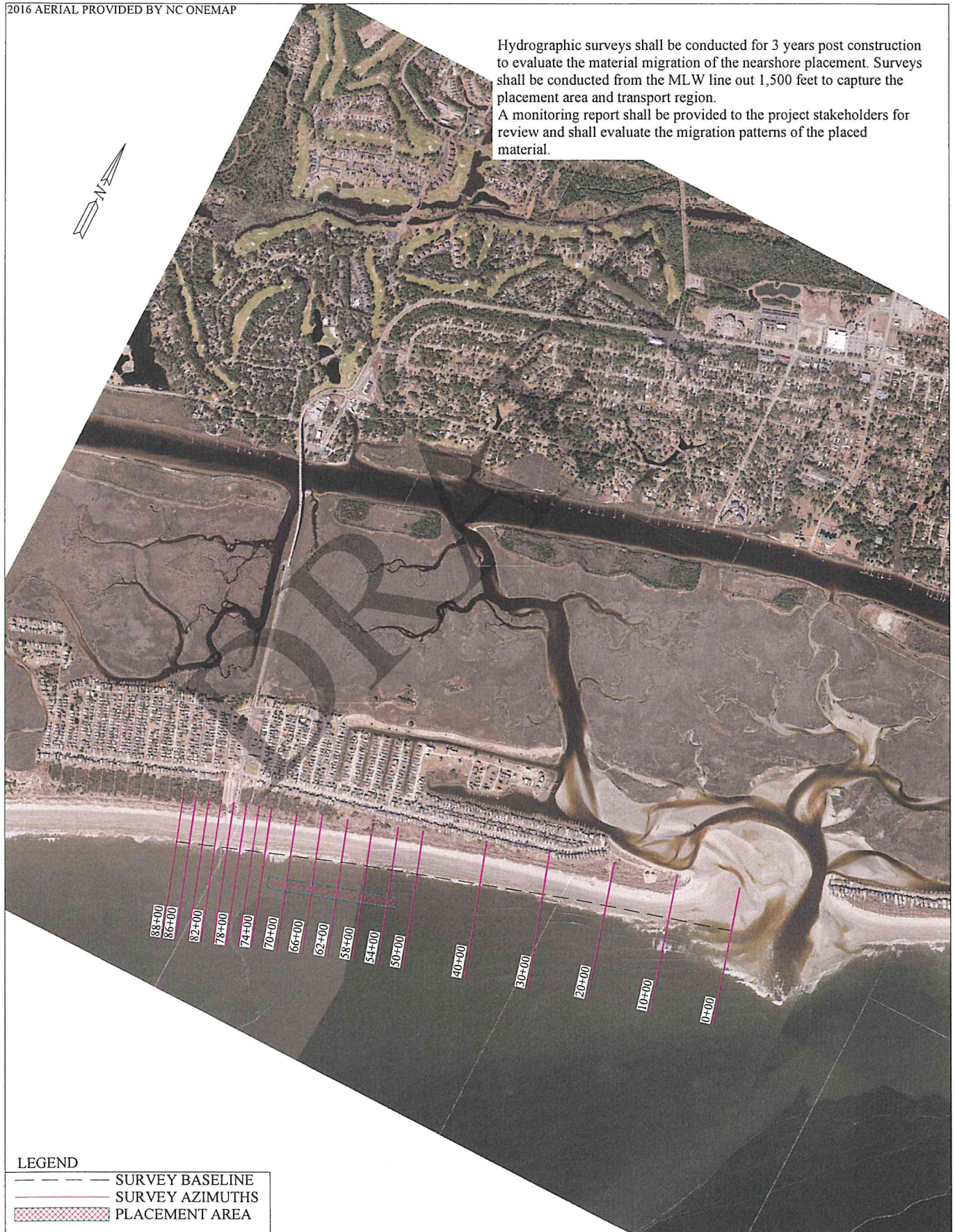
Comments
<input type="text"/>

Observer(s) Name(s) (Required; Print)	Observer(s) Signature(s)	Observer(s) Company
<input type="text"/>	<input type="text"/>	<input type="text"/>

Attachment (C)

(Physical Monitoring Plan)

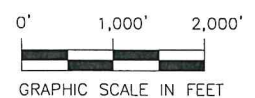
Hydrographic surveys shall be conducted for 3 years post construction to evaluate the material migration of the nearshore placement. Surveys shall be conducted from the MLW line out 1,500 feet to capture the placement area and transport region. A monitoring report shall be provided to the project stakeholders for review and shall evaluate the migration patterns of the placed material.



LEGEND

---	SURVEY BASELINE
---	SURVEY AZIMUTHS
▨	PLACEMENT AREA

TOWN OF SUNSET BEACH - NAVIGATION PROJECT
MAINTENANCE DREDGING OF SOUTH JINKS CREEK
PHYSICAL MONITORING PLAN
SITE MAP



ATTACHMENT (D)

(NC DWR 401 Certification and
NC DCM CAMA Permit)

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

S. DANIEL SMITH
Director



NORTH CAROLINA
Environmental Quality

February 24, 2021

DWR #2002-0158v3
Brunswick County

Town of Sunset Beach
Attn: Lisa J. Anglin
700 Sunset Blvd. N.
Sunset Beach, NC 28468

**Subject: APPROVAL OF INDIVIDUAL 401 WATER QUALITY
CERTIFICATION WITH ADDITIONAL CONDITIONS – MODIFICATION**
Town of Sunset Beach Navigation Project; Maintenance
Dredging of South Jinks Creek, the Bay Area and the Feeder
Channel – Modification

Dear Ms. Anglin:

Attached hereto is a copy of No. WQC004284 issued to Ms. Lisa Anglin and the Town of Sunset Beach, dated February 24, 2021. **This Certification replaces the Certification issued on August 1, 2019.** This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)].

This Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.



North Carolina Department of Environmental Quality | Division of Water Resources
Wilmington Regional Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405
910.796.7215

Upon the presentation of proper credentials, the Division may inspect the property.

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Individual Section 404 Permit. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.

If you are unable to comply with any of the conditions of this Water Quality Certification you must notify the Asheville Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

This approval and its conditions are final and binding unless contested [G.S. 143-215.5].

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

One (1) copy of the Petition must also be served to the North Carolina Department of Environmental Quality:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This certification completes the review of the Division under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Contact Robb Mairs at 910-796-7215, Robb.Mairs@ncdenr.gov if you have any questions or concerns.

Sincerely,

DocuSigned by:
Paul Wojoski
949D91BA53EF4E0...
Paul Wojoski, Supervisor
401 & Buffer Permitting Branch

cc:

Robert Neal, Moffatt & Nichol (via email)
Greg Currey, USACE Wilmington Regulatory Field Office (via email)
Curt Weychert, NCDCM Morehead City Office (via email)
Tara MacPherson, NCDCM Wilmington Office (via email)
Todd Bowers, EPA, (via email)
DWR 401 & Buffer Permitting Branch file (Laserfiche)

NORTH CAROLINA 401 WATER QUALITY CERTIFICATION

CERTIFICATION #WQC004284 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500 and 15A NCAC 028 .0200, to Ms. Lisa Anglin and the Town of Sunset Beach, who have authorization for the impacts listed below, as described within your Coastal Area Management Act (CAMA) application received by the N.C. Division of Water Resources (Division) on October 2, 2020; Public Notice issued by the US Army Corps of Engineers and received by the Division on October 19, 2020, and sequential information received on December 17, 2020 and January 26, 2021.

The State of North Carolina certifies that this activity will not violate the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

This approval requires you to follow the conditions listed in the certification below.

Conditions of Certification [15A NCAC 02H .0506(b)]:

1. Impacts Approved. The following impacts, as detailed in your December 17, 2020 CAMA Major Application to the NC Division of Coastal Management, are hereby approved provided that all of the other specific and general conditions of this Certification (or Isolated Wetland Permit) are met. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506 (b) and/or (c)]:

Type of Impact	Amount Approved (Units) Permanent	Plan Location or Reference
Open Water / Shallow Bottom Impacts Dredge	18 (acres) South Jinks Creek	Sheets 1 through 7 Dated September 9, 2020 and Project Narrative
Nearshore Placement (below MHW)	9.2 (acres) Atlantic Ocean	Sheets 1 through 7 Dated September 9, 2020 and Project Narrative

2. **Moratoriums**

The Permittee shall comply with any moratoriums per the NC Division of Marine Fisheries and the NC Wildlife Resources Commission. Dredging moratoriums shall be

observed as required by the NC Division of Marine Fisheries, NC Wildlife Resources, US Fish and Wildlife and National Marine Fisheries. If such activities should take place during periods of high biological activity (e.g. shorebird, or sea turtle nesting), biological monitoring may be required at the request of other state and federal agencies and coordinated with these dredging activities.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

Justification: A project that affects waters shall not be permitted unless the existing uses (including aquatic life propagation and biological integrity), and the water quality to protect such uses, are protected. Protections are necessary to ensure any remaining surface waters or wetlands, and any surface waters or wetlands downstream, continue to support existing uses during and after project completion. The Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.

3. Turbidity Standard

The Permittee shall adhere specially to 15A NCAC 02B .0220 Tidal Salt Water Quality Standards for Class SC Waters.(12) pH: shall be normal for waters in the area, which generally shall range between 6.8 and 8.5 except that swamp waters may have a pH as low as 4.3 if it is the result of natural conditions; (19) Turbidity: the turbidity in the receiving water shall not exceed 25 NTU; if turbidity exceeds this level due to natural background conditions, the existing turbidity level shall not be increased. [15A NCAC 02B .0220]

The Permittee shall conduct the following dredging effluent monitoring:

Samples shall be collected at daily time intervals of one hour after system start-up, midway of the dredge process (6 hours) and one hour prior to system shutdown assuming a 12 hour day. The sampling shall be done following the longshore current just beyond the nearshore placement at 1000' and 2000' intervals beyond the discharge point. If the turbidity is above 25 NTU at the 2000' point, a third sample should be taken at the point where the turbidity is 25 NTU and that distance noted in the record.

The Permittee shall maintain a record of the daily equipment calibration and sample results at the required sampling intervals.

Citation: 15A NCAC 02B .0211; 15A NCAC 02H .0506(b)(1); 15A NCAC 02H .0507(c)

Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity, wildlife, secondary contact recreation, agriculture) and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.

4. Please understand that the waters around your project area have been identified by the Division of Marine Fisheries as Primary Nursery Area (PNA). Should the need for dredging within the proposed project area arise in the future, please be aware that new dredging within a PNA is not permitted under 15A NCAC 02B .0221 as it results in degradation of water quality standards and therefore is considered a water quality violation.

Citation: 15A NCAC 02B .0221; 15A NCAC 02H .0502(a); 15A NCAC 02H .0506(b)(1); 15A NCAC 02H .0507(c)

Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule [including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity (including fishing, fish, and Primary Nursery Areas (PNAs)), wildlife, secondary contact recreation, and shellfishing for marketing purposes]; and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state's antidegradation policy), the Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards or would result in secondary or cumulative impacts.

5. Eastern Channel Area is classified as SA;HQW by the Division of Water Resources (DWR) and has been determined to be a Primary Nursery Area (PNA) by the Division of Marine Fisheries (DMF). Please understand that the waters around your project area have been identified as a PNA, and should requests for dredging within the proposed project area arise in the future, they will be denied. Please be aware that new dredging within a PNA is not permitted under 15A NCAC 02B .0220. This activity results in degradation of water quality standards and is therefore considered a water quality violation. Any turbidity standard violations of waters going into these creeks are also considered Water Quality Violations.

Citation: 15A NCAC 02B .0220; 15A NCAC 02H .0502(a); 15A NCAC 02H .0506(b)(1); 15A NCAC 02H .0507(c)

Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule [including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity (including fishing, fish, and Primary Nursery Areas (PNAs)), wildlife, and secondary contact recreation]; and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state's antidegradation policy), the Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards or would result in secondary or cumulative impacts.

6. The effluent water from the dredge spoil shall not be released into open shellfish waters unless Shellfish Sanitation and the DWR Wilmington (910-796-7215) Regional Office is notified and provide approval prior to the release.

Citation: 15A NCAC 02B .0221; 15A NCAC 02H .0502(a); 15A NCAC 02H .0506(b)(1); 15A NCAC 02H .0507(c)

Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule [including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity (including fishing, fish, and Primary Nursery Areas (PNAs)), wildlife, and secondary contact recreation]; and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state's antidegradation policy), the Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards or would result in secondary or cumulative impacts.

7. The permittee shall report to the DWR Wilmington Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

Justification: Timely reporting of non-compliance is important in identifying and minimizing detrimental impacts to water quality and avoiding impacts due to water pollution that precludes any best use on a short-term or long-term basis.

8. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the approved impacts (including temporary impacts).

Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)

Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity; wildlife; secondary contact recreation; agriculture); and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.

9. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *North Carolina Department of Transportation Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC02B .0200; 15A NCAC 02B .0231

Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (12) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses; and (21) turbidity in the receiving water shall not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes, or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity shall not exceed 25 NTU; if turbidity exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. As cited in Wetland Standards: (c)(1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses; and (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses.

10. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231

Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (12) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses. As cited in Wetland Standards: (c)(1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses; and (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses.

11. In accordance with 143-215.85(b), the permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)

Justification: Person(s) owning or having control over oil or other substances upon notice of discharge must immediately notify the Department, or any of its agents or employees, of the nature, location, and time of the discharge and of the measures which are being taken or are proposed to be taken to contain and remove the discharge. This action is required in order to contain or divert the substances to prevent entry into the surface waters. Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity; wildlife; secondary contact recreation; agriculture); and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.

12. The permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. The Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.

13. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this General Certification. A copy of this General Certification shall be available at the project site during the construction and maintenance of this project.

Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)

Justification: Those actually performing the work should be aware of the requirements of this 401 Water Quality General Certification to minimize water quality impacts.

This approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit. The conditions in effect on the date of issuance shall remain in effect for the life of the project, regardless of the expiration date of this Certification. [15A NCAC 02H .0507(c)]

This, the 24th day of February 2021

DocuSigned by:
Paul Wojoski
949D91BA53EF4E0...

Paul Wojoski, Supervisor
401 & Buffer Permitting Branch

PAW/rlm

Permit Class
AMENDED
(BY CRC VARIANCE)

Permit Number
79-19

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit



for

☒ Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

☒ Excavation and/or filling pursuant to NCGS 113-229

Issued to Town of Sunset Beach c/o Hiram Marziano, 700 Sunset Blvd. N, Sunset Beach, NC 28468

Authorizing development in Brunswick County at S. Jinks Creek, the Bay Area, Feeder Channel
and Finger Canals, Sunset Beach, as requested in the permittee's application dated 04/03/19, including attached workplan
drawings (25) 1-25 of 25 all dated 01/31/19, and marsh buffer drawings (5) 1-3 of 3 and 1-2 of 2 all dated 03/19/19.

This permit, issued on March 3, 2020, is subject to compliance with the application (where consistent
with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may
be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Excavation

- 1) In order to protect juvenile shrimp and finfish populations, no excavation shall be permitted between April 1 and September 30 of any year without the prior approval of the Division of Coastal Management, in consultation with appropriate resource agencies.
- 2) In keeping with the Variance (CRC-VR-19-09) granted by the Coastal Resources Commission (CRC) on February 12, 2020, and the Order signed by the CRC Chairman on February 25, 2020, the depth of excavation shall not exceed -6 feet below the mean low water level for South Jinks Creek and the Bay Area and -5 feet below mean low water level for the Finger Canals. In no case shall the depth of excavation exceed the depth of connecting waters.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other
qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chair
of the Coastal Resources Commission.


This permit must be accessible on-site to Department
personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered
hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2022

In issuing this permit, the State of North Carolina agrees that
your project is consistent with the North Carolina Coastal
Management Program.


For Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands is not authorized.
- 4) No excavation or filling of Coastal Wetlands is authorized by this permit.
- 5) In accordance with commitments made by the permittee and to satisfy resource impact concerns, excavation shall not occur within ten (10) feet of any Coastal Wetlands.
- 6) All excavation shall take place entirely within the areas indicated on the attached workplan drawings.

Oyster Relocation

- 7) Prior to the initiation of any dredging activities, the permittee shall, in coordination with the Division of Marine Fisheries, develop and implement an oyster relocation plan. Contact the Division of Marine Fisheries at (252) 808-8050 to initiate the required coordination. Notice of satisfactory completion of the relocation efforts shall be provided to the Division of Coastal Management prior to initiation of dredging.

Upland Spoil Disposal

- 8) No excavated materials shall be deposited, even temporarily within 30' of the normal high water line.
- 9) All excavated materials shall be confined above normal low water level and landward of regularly or irregularly flooded marsh behind adequate dikes or other retaining structures to prevent spillover of solids into any marsh or surrounding waters.
- 10) The spoil disposal area shall be inspected and approved by a representative of the Division of Coastal Management prior to the commencement of any excavation activities.

NOTE: An Erosion and Sedimentation Control Plan and Stormwater Management Plan may be required for this project. If required, these plans must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit these plans to the Department of Energy, Mineral, and Land Resources, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.

Beach Fill

- 11) Prior to the initiation of any beach fill activity on a specific property, easements or similar legal instruments shall be obtained from the impacted property owner(s) and shall be provided to the Division of Coastal Management prior to any construction activities.
- 12) In order to protect nesting sea turtles and aquatic marine resources, no beach fill or associated activities, including mobilization, demobilization, or remediation or the use of heavy equipment on the beach shall be permitted between April 1 and November 15 of any year without the prior approval of the Division of Coastal Management, in consultation with appropriate resource agencies.

ADDITIONAL CONDITIONS

- 13) This permit authorizes beach fill activities to be carried out one (1) time along the entire reach of the requested project area. Any request to carry out additional activities within an area where beach fill activities have been completed under this permit shall require a modification of this permit.
- 14) Prior to initiation of beach fill activity along each section of beach, the existing mean high water line shall be surveyed, and a copy of the survey provided to the Division of Coastal Management.

NOTE: The permittee is advised that, per N.C. General Statute §146-6, the State of North Carolina claims title to all currently submerged lands and any future lands that are raised above the mean high water level as a result of this project.

- 15) The seaward beach fill limit shall be conducted in accordance with the attached work plats (2) labeled "Dredge Plan Work Area – Sheet 12 of 13" and "Dredge Plan Work Area – Sheet 13 of 13" figures 20 and 21 both dated 01/31/19.
- 16) Temporary dikes shall be used to retain and direct flow of material parallel to the shoreline to minimize surf zone turbidities. The temporary dikes shall be removed and the beach graded in accordance with approved profiles upon completion of pumping activities in that particular section of beach.
- 17) Should dredging operations encounter sand deemed non-compatible with 15A NCAC 07H .0312 (Technical Standards for Beach Fill Projects), the dredge operator shall immediately cease operation and contact the NCDCM. Dredge operations shall resume after resolution of the issue of sand compatibility.
- 18) In order to prevent leakage, dredge pipes shall be routinely inspected. If leakage is found and repairs cannot be made immediately, pumping of material shall stop until such leaks are fixed.
- 19) Once a section is complete, piping and heavy equipment shall be removed or shifted to a new section and the area graded and dressed to final approved slopes.
- 20) Land-based equipment necessary for beach fill work shall be brought to the site through existing accesses. Should the work result in any damage to existing accesses, the accesses shall be restored to pre-project conditions immediately upon project completion in that specific area

NOTE: The permittee is advised that any new access site would require a modification of this permit.

- 21) Where oceanfront development exists at elevations nearly equal to that of the native beach, a low protective dune shall be pushed up along the backbeach to prevent slurry from draining towards the development.
- 22) Dune disturbance shall be kept to a minimum. Any alteration of existing dunes shall be coordinated with the Division of Coastal Management as well as the appropriate property owner(s). All disturbed areas shall be restored to original contours and configuration with reference to the surveyed normal high water line and shall be revegetated immediately following project completion in that specific area.

ADDITIONAL CONDITIONS

Maintenance Clause

- 23) The Division of Coastal Management shall be notified in writing at least two (2) weeks in advance of any maintenance excavation authorized by this permit, and such notification shall include:
- A. The number of the original permit.
 - B. A statement that no dimensional changes are proposed.
 - C. A copy of the original permit plans with cross-hatching indicating the area to be excavated, the area to be used for spoil disposal, and the estimated amount of material to be removed. The location, design and holding capacity of the spoil disposal site shall be approved by a representative of the Division prior to the initiation of any maintenance dredging activities.
 - D. The date of map revision and the permittee's signature shown anew on the original plan.

General

- 24) The permittee and/or his or her contractor shall meet with a representative of the Division prior to initiation of any phase of this project.
- 25) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 26) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 27) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 28) The permittee shall obtain any necessary authorizations or approvals from the US Army Corps of Engineers prior to initiation of any permitted activity. Unless specifically altered herein, the permittee shall adhere to all conditions of the Federal approval.
- 29) The permittee and/or his contractor shall provide for proper storage and handling of all oils, chemicals hydraulic fluids, etc., necessary to carry out the project.
- 30) This permit does not authorize any permanent or long-term interference with the public's right of access and/or usage of all State lands and waters.
- 31) The permittee shall make every effort possible to minimize any negative impacts of trucks and construction equipment on roadway and pedestrian traffic. The permittee should also ensure that the ability of individuals to access and enjoy the beach is not impeded outside of the construction limits.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

ADDITIONAL CONDITIONS

- NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination.
- NOTE:** The N.C. Division of Water Resources assigned the project DWR Project No. 2002-0158v2.
- NOTE:** The U.S. Army Corps of Engineers assigned the project Action ID SAW-2019-01155.
- NOTE:** An application processing fee of \$475 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.

Permit Class
MODIFICATION/MAJOR

Permit Number
79-19

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

☒ Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

☒ Excavation and/or filling pursuant to NCGS 113-229

Issued to **Town of Sunset Beach, 700 Sunset Blvd N., Sunset Beach, NC 28468**

Authorizing development in Brunswick County adj. to Sunset Beach and seaward of 3rd through
13th St., in Sunset Beach, as requested in the permittee's application dated 8/28/20, including
the attached workplan drawings (7), Sheets 1-7 of 7 all dated 9/9/20.

This permit, issued on **February 18, 2021**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

- 1) Unless specifically altered herein, all development activities shall be carried out in accordance with the attached workplan drawings.

Nearshore Disposal

- 2) Placement of material shall not exceed a vertical clearance depth of -6 feet mean low water.
- 3) The temporary placement or double handling of excavated or fill materials within waters or vegetated wetlands is not authorized.

(See attached sheet for additional conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

Signed by the authority of the Secretary of DEQ and the Chair of the Coastal Resources Commission.

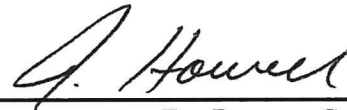
This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2024

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.



For Braxton C. Davis, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 4) No excavation or filling of wetlands is authorized by this permit.
- 5) Should dredging operations encounter sand deemed non-compatible with 15A NCAC 07H .0312 (Technical Standards for Beach Fill Projects), the dredge operator shall immediately cease operation and contact the NCDCM. Dredge operations shall resume only after resolution of the issue of sand compatibility.
- 6) This permit authorizes a one-time event for nearshore disposal, as depicted on the attached workplan drawings. Any request to carry out additional activities may require a modification of this permit.
- 7) In accordance with commitments made by the permittee, all monitoring commitments made in the Project Narrative dated "Received DCM Wilmington" 9/2/20 shall be adhered to and all surveys and findings provided to the Division upon completion.

General

- 8) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 9) The permittee shall obtain any necessary authorizations or approvals from the US Army Corps of Engineers and the North Carolina Division of Water Resources prior to initiation of any permitted activity. Unless specifically altered herein, the permittee shall adhere to all conditions of the Federal and State approvals once issued.
- 10) All conditions and stipulations of the active permit remain in force under this Major Modification, unless specifically altered herein.
- 11) This Major Modification shall be attached to the original Permit No. 79-19, which was issued to the permittee on 10/28/19, and copies of all documents must be readily available on site when Division personnel inspect the project for compliance.
- 12) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 13) The permittee and his contractor shall schedule a pre-construction conference with the Division of Coastal Management prior to the initiation of any dredging or mobilization activities.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

NOTE: An application processing fee of \$475 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.

ATTACHMENT (E)

MANATEE GUIDELINES



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

GUIDELINES FOR AVOIDING IMPACTS TO THE WEST INDIAN MANATEE

Precautionary Measures for Construction Activities in North Carolina Waters

The West Indian manatee (*Trichechus manatus*), also known as the Florida manatee, is a Federally-listed endangered aquatic mammal protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1461 *et seq.*). The manatee is also listed as endangered under the North Carolina Endangered Species Act of 1987 (Article 25 of Chapter 113 of the General Statutes). The U.S. Fish and Wildlife Service (Service) is the lead Federal agency responsible for the protection and recovery of the West Indian manatee under the provisions of the Endangered Species Act.

Adult manatees average 10 feet long and weigh about 2,200 pounds, although some individuals have been recorded at lengths greater than 13 feet and weighing as much as 3,500 pounds. Manatees are commonly found in fresh, brackish, or marine water habitats, including shallow coastal bays, lagoons, estuaries, and inland rivers of varying salinity extremes. Manatees spend much of their time underwater or partly submerged, making them difficult to detect even in shallow water. While the manatee's principal stronghold in the United States is Florida, the species is considered a seasonal inhabitant of North Carolina with most occurrences reported from June through October.

To protect manatees in North Carolina, the Service's Raleigh Field Office has prepared precautionary measures for general construction activities in waters used by the species. Implementation of these measures will allow in-water projects which do not require blasting to proceed without adverse impacts to manatees. In addition, inclusion of these guidelines as conservation measures in a Biological Assessment or Biological Evaluation, or as part of the determination of impacts on the manatee in an environmental document prepared pursuant to the National Environmental Policy Act, will expedite the Service's review of the document for the fulfillment of requirements under Section 7 of the Endangered Species Act. These measures include:

- 1 The project manager and/or contractor will inform all personnel associated with the project that manatees may be present in the project area, and the need to avoid any harm to these endangered mammals. The project manager will ensure that all construction personnel know the general appearance of the species and their habit of moving about completely or partially submerged in shallow water. All construction personnel will be informed that they are responsible for observing water-related activities for the presence of manatees.
2. The project manager and/or the contractor will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act and the Endangered Species Act.

3. If a manatee is seen within 100 yards of the active construction and/or dredging operation or vessel movement, all appropriate precautions will be implemented to ensure protection of the manatee. These precautions will include the immediate shutdown of moving equipment if a manatee comes within 50 feet of the operational area of the equipment. Activities will not resume until the manatee has departed the project area on its own volition (i.e., it may not be herded or harassed from the area).

4. Any collision with and/or injury to a manatee will be reported immediately. The report must be made to the U.S. Fish and Wildlife Service (ph. 919-856-4520), the National Marine Fisheries Service (ph. 252-728-8762), and the North Carolina Wildlife Resources Commission (ph. 252-448-1546).

5. A sign will be posted in all vessels associated with the project where it is clearly visible to the vessel operator. The sign should state:

CAUTION: The endangered manatee may occur in these waters during the warmer months, primarily from June through October. Idle speed is required if operating this vessel in shallow water during these months. All equipment must be shut down if a manatee comes within 50 feet of the vessel or operating equipment. A collision with and/or injury to the manatee must be reported immediately to the U.S. Fish and Wildlife Service (919-856-4520), the National Marine Fisheries Service (252-728-8762), and the North Carolina Wildlife Resources Commission (252-448-1546).

6. The contractor will maintain a log detailing sightings, collisions, and/or injuries to manatees during project activities. Upon completion of the action, the project manager will prepare a report which summarizes all information on manatees encountered and submit the report to the Service's Raleigh Field Office.

7. All vessels associated with the construction project will operate at "no wake/idle" speeds at all times while in water where the draft of the vessel provides less than a four foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

8. If siltation barriers must be placed in shallow water, these barriers will be: (a) made of material in which manatees cannot become entangled; (b) secured in a manner that they cannot break free and entangle manatees; and, (c) regularly monitored to ensure that manatees have not become entangled. Barriers will be placed in a manner to allow manatees entry to or exit from essential habitat.

Prepared by (rev. 02/2017):
U.S. Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726
919/856-4520

Figure 1. The whole body of the West Indian manatee may be visible in clear water; but in the dark and muddy waters of coastal North Carolina, one normally sees only a small part of the head when the manatee raises its nose to breathe.

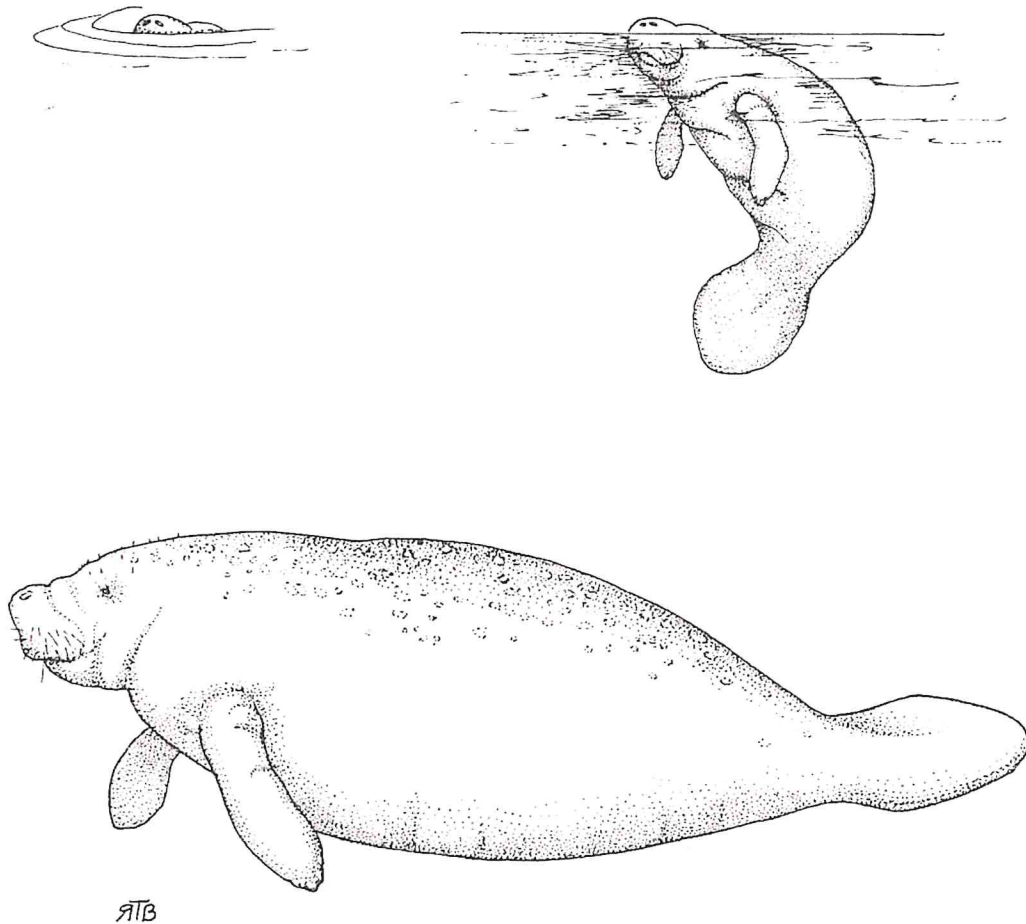


Illustration used with the permission of the North Carolina State Museum of Natural Sciences.

Source: Clark, M. K. 1987. Endangered, Threatened, and Rare Fauna of North Carolina: Part I. A re-evaluation of the mammals. Occasional Papers of the North Carolina Biological Survey 1987-3. North Carolina State Museum of Natural Sciences. Raleigh, NC. pp. 52.